

The Managing Director Vs. Muniammal

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Court : Chennai

Decided On : Jun-16-2014

Judge : The Hon'Ble Mr. Justice S. Manikumar

Appellant : The Managing Director

Respondent : Muniammal

Judgement :

IN THE HIGH COURT OF JUDICATURE OF MADRAS DATED:

16. 06.2014 CORAM: THE HONBLE MR. JUSTICE S. MANIKUMAR C.M.A.No.1724 of 2014 and M.P.No.1 of 2014 The Managing Director, Tamilnadu State Transport Corporation, No.12, Ramakrishna Road, Salem - 7 ... Appellant Vs. 1.Muniammal 2.Madhu Respondents The Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act against the award & Decree dated 03.07.2013 made in M.C.O.P.No.1380 of 2008 on the file of the Motor Accidents Claims Tribunal (Special District Judge), Salem. For Appellant : Mr. D.Venkatachalam

JUDGMENT

In the accident which occurred on 29.05.2008, involving a State Transport Corporation bus bearing Regn.No.TN30N1541, a 45 year old man stated to have been self employed, by making springs for bus and lorry and earned Rs.10,000/- per month including batta, died. A case in Cr.No.278 of 2008 under Sections 279

and 304 IPC has been registered against the driver of the State Transport Corporation bus, Salem. Legal representatives, sisters, aged about 53 years and 33 years respectively claimed compensation of Rs.10,85,000/-. The deceased was stated to be a bachelor.

2. Before the claims tribunal, Ex.P1, FIR, Ex.P2, Accident Register, Ex.P3, Postmortem Report, Ex.P4, Postmortem Certificate, Ex.P5, Motor Vehicle Inspector Report and Ex.P6, Charge sheet, have been marked. Though, the State Transport Corporation has opposed the negligence attributed against its driver and also examined RW1. On evaluation of pleadings and evidence, the claims tribunal held that the driver of the State Transport Corporation bus, was negligent in causing the accident.

3. On the basis of the entry in Ex.P4, postmortem certificate, the claims tribunal has fixed the age of the deceased as 45 years. Though, a sum of Rs.10,000/- was claimed as monthly income, in the absence of proof, having regard to the avocation and age, the claims tribunal fixed the monthly income as Rs.6,000/- and after deducting 1/3 towards the personal and living expenses of the deceased, applied 14 multiplier, having regard to the age of the deceased ie. 45 years, as per the decision in *Sarla Verma v. Delhi Transport Corporation*, reported in (2009) 6 SCC121 and accordingly computed the loss of contribution to the family comprising of two sisters as Rs.6,72,000/- (Rs.4,000/- x 12 x 14). In addition to the above, the claims tribunal has awarded Rs.10,000/- under the head loss of love and affection, Rs.10,000/- for funeral expenses. Altogether, the claims tribunal has awarded Rs.6,92,000/- and apportioned the same as between the sisters.

4. On this day, when the matter came up for hearing, Mr.D.Venkatachalam, learned counsel for the appellant State Transport Corporation submitted that the quantum of compensation is the only challenge in this appeal. Submission of the learned counsel is placed on record. Therefore, this Court deems it fit not to advert to the aspect of negligence.

5. According to the learned counsel, the tribunal, has erred in fixing the monthly income of the deceased at Rs.6,000/- without any proof. As the deceased was a bachelor, the claims tribunal ought not to have deducted 1/3 towards, the personal

and living expenses of the deceased. Except the above, no other grounds have been urged.

6. The grounds raised questioning the quantum of compensation are as follows: f) The learned trial judge failed to note that no valid document was filed by the claimants to prove the income of the deceased. g) The learned trial judge ought not to have fixed the monthly income of the deceased Rs.6,000/- without corroboration of documentary evidence. The learned trial judge ought not to have made 1/3rd deduction towards personal and living expenses of the deceased. 7. Though, the State Transport Corporation has assailed the quantum of compensation on the above said limited grounds, at the time when the matter came up for admission, entitlement of the sisters for claiming compensation was also raised. In this aspect, this Court deems it fit to consider the decision of this Court in the Branch Manager, M/s. National Insurance Co. Ltd., v. Tmt.Sumathi and others reported in 2012 AAC2965 wherein this Court at paragraphs 25 to 28 and 34, held as follows:- ".25. 'Legal Representative' ordinarily includes heirs as well as persons, who represent the estate of the deceased person or a person, on whom, the estate devolves on the death of an individual. Right to claim for compensation by any or all legal representatives under Section 166 of the Motor Vehicles Act is a legal right. It is an assertable right enforceable before Courts and administrative agencies, in its wider sense and therefore, a legal right has to be understood, as any advantage or benefit conferred upon a person by a rule of law; and having regard to the manner, in which, a provision has to be interpreted, as held by the Supreme Court in the decisions stated supra, this Court is of the view that the definition of legal representatives cannot be restricted to exclude married daughters/sisters, from making any claim under section 166 of the Act and consequently, restrict their claim, only under Section 140 of the Act, which has been engrafted in the statute, with a specific object of compensating all the legal representative, whether there is negligence, on the part of the deceased or not. It is a ".No Fault Liability". clause.

26. Courts have consistently held that what has been specifically excluded by a legislation in a provision cannot be imported into the section by the decisions of Court. By engrafting Section 166 of the Motor Vehicles Act, enabling all the legal

representatives to make a claim, in contra distinction to, Section 2(1)(d) of the Workmen's Compensation Act, which enables only the persons enumerated in the said section to claim compensation under section 3 of the Workmen's Compensation Act, the intention of the legislature is clear and the definition, ".legal representative". cannot be narrowed down to mean only ".dependents"., excluding married daughters/sisters.

27. There could still be a case where there is contribution of a portion of the income of the deceased to a legal representative, who had preferred a claim and he/she would not be wholly dependent on the income of the deceased. A likelihood of loss of contribution from the deceased would give rise to a claim for compensation by him under Section 166 of the Motor Vehicles Act, though he may not be a wholly dependent, as defined in Section 2(1)(d) of the Workmen's Compensation Act.

28. It is a well recognised rule of interpretation of statutes that the expressions used in the statute, should ordinarily be understood, in which, they harmonise with the object of the statute and which effectuate the objection of the legislature and the Court should adopt an object oriented approach, keeping in mind the language employed in the statute. When the legislature has used the words, Legal Representatives in Section 166 of the Act, and having regard to the duty of the Court to act upon the true intention of the legislature, Mens or Sententia Legis, this Court is not inclined to accept the submissions of the Insurance Company, intrepret and circumscribe the meaning of the words, Legal Representatives to mean only dependents. Just because a brother or sister is married, the right to represent the estate of the deceased is not taken away and such an interpretation, would make the provisions of law of succession, ineffective.

34. Limiting the payment of compensation to some of the legal representatives, as per section 140 of the Act, to the exclusion of others, would amount to violation of Article 14 of the Constitution of India. In the light of the above, the contention that the married daughters are entitled to only compensation under Section 140 of the Motor Vehicles Act, under No Fault Liability claim of Rs.50,000/- alone cannot be countenanced. If the submissions of the learned counsel for the appellant-

Insurance Company are to be accepted, then it would be introducing a bar or prohibition against a married daughter to prefer a claim under Section 166 of the Motor Vehicles Act, which apparently is not the intention of the legislature. Monetary dependency is not the only factor to award compensation to the legal representatives.

8. Some of the decisions, on this aspect, relied on by this Court, in the above reported case, are as follows: ".29. The expression ".legal representative". has been explained in Gujarat State Road Transport Corporation, Ahmedabad v. Ramanbhai Prabhatbhai and another reported in 1987 ACJ561 as follows: ".10. Clauses (b) and (c) of sub-section (1) of Section 110-A of the Act provide that an application for compensation arising out of an accident may be made where death has resulted from the accident by all or any of the legal representatives of the deceased or by any agent duly authorised by all or any of the legal representatives of the deceased. The proviso to sub-section (1) of Section 110-A provides that where all the legal representatives of the deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined shall be impleaded as respondents to the application. The expression legal representative has not been defined in the Act. Section 2(11) of the Code of Civil Procedure, 1908 defines legal representative as a person who in law represents the estate of a deceased person and includes any person who intermeddles with the estate of the deceased and where a party sues or is sued in a representative character the person on whom the estate devolves on the death of the party so suing or sued. The above definition, no doubt, in terms does not apply to a case before the Claims Tribunal but it has to be stated that even in ordinary parlance the said expression is understood almost in the same way in which it is defined in the Code of Civil Procedure. A legal representative ordinarily means a person who in law represents the estate of a deceased person or a person on whom the estate devolves on the death of an individual. Clause (b) of sub-section (1) of Section 110-A of the Act authorises all or any of the legal representatives of the deceased to make an application for compensation before the Claims Tribunal for the death of the deceased on account of a motor vehicle accident and clause (c) of that sub-section authorises any agent duly authorised

by all or any of the legal representatives of the deceased to make it. The proviso to sub-section (1) of Section 110-A of the Act appears to be of some significance. It provides that the application for compensation shall be made on behalf of or for the benefit of all the legal representatives of the deceased. Section 110-A(1) of the Act thus expressly states that (i) an application for compensation may be made by the legal representatives of the deceased or their agent, and (ii) that such application shall be made on behalf of or for the benefit of all the legal representatives. Both the person or persons who can make an application for compensation and the persons for whose benefit such application can be made are thus indicated in Section 110-A of the Act."

30. Interpreting Section 110-A (now amended as Section 166(1)), vis-a-vis, a corresponding provision in the Fatal Accidents Act, 1855, the Apex Court in Ramanbhai Prabhatbhai's case (stated supra) further held that, ".These provisions are not merely procedural provisions. They substantively affect the rights of the parties. As the right of action created by the Fatal Accidents Act, 1855 was new in its species, new in its quality, new in its principles, in every way new the right given to the legal representatives under the Act to file an application for compensation for death due to a motor vehicle accident is equally new and an enlarged one. This new right cannot be hedged in by all the limitations of an action under the Fatal Accidents Act, 1855. New situations and new dangers require new strategies and new remedies."

31. While confirming the decision of Gujarat High Court in Megjibhai Khimji Vira v. Chaturbhai Taljabhai reported in 1977 ACJ253(Guj.), the Supreme Court at Paragraph 12, held that, ".We feel that the view taken by the Gujarat High Court is in consonance with the principles of justice, equity and good conscience having regard to the conditions of the Indian society. Every legal representative who suffers on account of the death of a person due to a motor vehicle accident should have a remedy for realisation of compensation and that is provided by Sections 110-A to 110-F of the Act. These provisions are in consonance with the principles of law of torts that every injury must have a remedy. It is for the Motor Vehicles Accidents Tribunal to determine the compensation which appears to it to be just as provided in Section 110-B of the Act and to specify the person or persons to whom

compensation shall be paid. The determination of the compensation payable and its apportionment as required by Section 110-B of the Act amongst the legal representatives for whose benefit an application may be filed under Section 110-A of the Act have to be done in accordance with well-known principles of law. We should remember that in an Indian family brothers, sisters and brothers children and some times foster children live together and they are dependent upon the bread-winner of the family and if the bread-winner is killed on account of a motor vehicle accident, there is no justification to deny them compensation relying upon the provisions of the Fatal Accidents Act, 1855 which as we have already held has been substantially modified by the provisions contained in the Act in relation to cases arising out of motor vehicles accidents."

32. In *United India Insurance Company v. Kasiammal* reported in 1997 (III) CTC346 one of the contentions raised therein, challenging the award, was that a married son, who was living separately and not a dependant, is not entitled to claim compensation. The short question framed by this Court, at Paragraph 6 of the judgment, was whether the claimants, who were married sons and married daughters, entitled for compensation?. While addressing the abovesaid question, a learned Judge has considered two decisions relied on by the appellant-Insurance Company therein in *Revanben v. Kantibhai Narottamehai Gohil* reported in 1995 ACJ548 and *U.P.State Road Transport Corporation v. Tara Devi* reported in 1995 ACJ1220 and also the decisions of the Apex Court in *Bhagwatidin v. Gheesalal* reported in 1980 ACJ116 *Gujarat State Road Transport Corporation, Ahmedabad v. Ramanbhai* reported in AIR 1987 SC1690 and *Pushpam v. Nirmala* reported in 1991 TLNJ101 and at Paragraphs 15, 16 and 17, held as follows: 15. As pointed out earlier, the compensation amount is being paid to the legal representatives on account of untimely death of their ancestor. The dependency of the legal representatives is a question to be considered and does not mean only the dependents can claim compensation. The compensation being the amount for the loss to the estate of the deceased, it has to be considered as to whether the legal representatives had been put to loss because of the death of the deceased. Wherever the deceased is an earning member, naturally his savings is an accumulation for the estate which can be divided by the legal representatives after the death of the deceased. As the legal representatives had been put to loss of the

earning of the deceased, the legal representatives are also entitled for the compensation.

16. Further in this case there is absolutely no evidence to show that the married sons are living separately. When they are residing with the mother, naturally the married sons had lost not only the assistance of the deceased mother but also lost her valuable advice in family matters. The deceased, being a widow, naturally she could have lived with any one of the sons. When the legal representatives, the married sons of the deceased are entitled for compensation even though they are residing separately, the claimants herein will be entitled for compensation; especially when they are residing with the deceased. More over, the aged parents in many a house are the watch dogs for the entire house, servants and the grand children except a few exceptional cases. When the claimants had lost such valuable services of their mother they are entitle for compensation. The loss cannot be substituted by any other confident or responsible person either in the family or by appointing a servant. If the contention of the counsel for the appellant is accepted, I do not surprise that in future the appellant may plead that generally the aged ones are only a liability in the family and since due to the accident the aged one died, the family is get rid of the same and the driver should be suitably rewarded by the legal representatives instead of claiming any compensation for the death of the deceased.

17. Further if the contention of the counsel for the appellant that the claimants are entitled only for the no fault amount is accepted, then a person who sustained some grievous injuries will be paid more than the amount that would be paid to the legal representatives i.e., married sons and daughters of the deceased and in that case it would be cheaper to kill than maim. If the claimants are to be paid the no fault amount, that may mean that the claimants are being paid some ex gratia payment out of sympathy and not for the loss of life of their ancestor. Hence the contention of the counsel for the appellant cannot be countenanced and there is absolutely no merit in the appeal and is dismissed."

33. It is worthwhile to reproduce the judgments in Pushpam's case (cited supra) and Bhagwatidin's case, which are as follows: 10. In fact in judgment reported in

Pushpam v. Nirmala reported in 1991 TLNJ101 the question considered is whether in a petition claiming compensation for injuries sustained by the claimant, after his death whether the sister can come on record as the legal representative. Venkataswami, J/has held, that the sister of the deceased claimant can be brought on record as the legal representative, in the following terms:- ".In more or less identical circumstances, V. Ramaswami, J, a he then was, in 1981 ACJ185(supra), after noticing a Division Bench Judgment of this Court in C.P.Kandaswamy v. Mariappa Stores, 1974 ACJ3held that by introducing Section 110-A in the Motor Vehicles Act, Parliament intended not to restrict the statutory right to claim damages to the injured alone. In the case of claims arising out of motor accidents, Clause (b) provides that the cause of action would survive to the legal representative where death has resulted from the accident. This was an exception to the general principle actio personalis moritur cum persona. It is true there is a distinction between case of death resulting from the accident and a case of other personal injuries not causing the death of the party, i.e., the party dying subsequently during the pendency of the proceedings not due to the accident. But the Motor Vehicles Act does not, in my opinion, make any distinction so far as the right to claim damages. The claims in all these cases are no statutory rights. Therefore, there appears to be no reason to restrict the right to the injured alone.". Therefore, there appears to be no reason to restrict the right to the injured alone.". The learned Judge further distinguished the Division Bench case (1974 ACJ362 on facts. The learned Judge ultimately held as reasonable question of recovering the actual expenses incurred by the deceased, I have no doubt that the claim will survive since that amount if had not been spent might have been available as the estate of the deceased to be succeeded by his legal representatives.". In 1987 II ACJ561(supra) the Supreme Court has elaborately considered the expression 'legal representative' in Section 110-A of the Act. After noticing the divergent views of the various High Courts, the Supreme Court has held as follows:- ".In the light of the principles laid down in the above two judgments, I am of the view that the decisions cited by the learned counsel for the first respondent, namely reported in Videowala v. Union of India, 1986 (II) MLJ345and reported in Kandaswamy v. Mariappa Stores, 86 L.W. 667, cannot be pressed into service. I am further of the view that the question of bringing on record or coming on record as legal

representatives and the further question whether they are entitled to compensation on the facts and circumstances of the case are two different issues. Merely because they are brought on record, that does not automatically entitle them to get compensation. In the light of the wider meaning given to the expression 'legal representative' by the Supreme Court, though in a case of death in a motor accident, the order of the Court below cannot be sustained. Therefore, I hold that the petitioner is entitled to continue the proceedings and it is for the court below to decide whether the petitioner is entitled to compensation at all, and if so, how much in the light of the principles laid down in 1981 ACJ185(supra) and other cases."

9. While standardising the application of multiplier and deduction towards the personal and living expenses of the deceased, in *Sarla Verma v. Delhi Transport Corporation*, reported in (2009) 6 SCC121 at paragraph no.15, observed as follows: 15. In regard to bachelors, normally, 50% is deducted as personal and living expenses, because it is assumed that a bachelor would tend to spend more on himself. Even otherwise, there is also the possibility of his getting married in a short time, in which event the contribution to the parent/s and siblings is likely to be cut drastically. Further, subject to evidence to the contrary, the father is likely to have his own income and will not be considered as a dependant and the mother alone will be considered as a dependent. In the absence of evidence to the contrary, brothers and sisters will not be considered as dependents, because they will either be independent and earning, or married, or be dependant on the father. Thus even if the deceased is survived by parents and siblings, only the mother would be considered to be a dependant, and 50% would be treated as the personal and living expenses of the bachelor and 50% as the contribution to the family. However, where family of the bachelor is large and dependant on the income of the deceased, as in a case where he has a widowed mother and large number of younger non-earning sisters or brothers, his personal and living expenses may be restricted to one-third and contribution to the family will be taken as two-third. 10. In the case on hand, sisters aged about 53 and 33 respectively alone are the claimants. Considering the age of the deceased, 45 years, the possibility of the deceased getting married in a short time, in which event the contribution to the parent/s and siblings is likely to be cut drastically, would not

have happened in the instant case. Perusal of the award does not indicate that the State Transport Corporation, the appellant herein, has elicited any evidence about the presence of the parent/s, at the time when the claim petition is made. When sisters/claimants, have adduced evidence to the effect that they are the legal representatives of the deceased, in the light of the decisions stated supra, this Court, is of the view that a claim made under Section 166 of the Motor Vehicles Act, 1988, by the sisters and brothers is maintainable and that they are entitled to the loss of contribution to the family, though, they may not, in strict sense be dependents of the deceased. The expression legal representatives of the deceased' entitled to succeed to the estate of the deceased under the common law, in the humble opinion of this Court, cannot be restricted to mean only the dependents.

11. As regards the contention that the words legal representatives should be narrowed down to mean only dependents, let me consider some of the decisions, on the duty of the courts in interpreting the words used in the enactments.

12. The Courts have a duty to construe the provisions of a statute to advance the cause of justice and facilitate the day to day working of the statute to service the public interest and achieve the objective of social betterment. [Gauri Shankar Gaur and others, etc., v. State of U.P., and others (AIR 1994 SC169= 1994 (1) SCC92)].

13. The Court's jurisdiction to interpret a statute can be invoked when the same is ambiguous. It cannot enlarge the scope of legislation or intention when the language of provision is plain and unambiguous. It cannot add or subtract words to a statute or read something into it which is not there. It cannot re-write or recast legislation. [Nasiruddin v. Sita Ram Agarwal (AIR 2003 SCW908)].

14. There are two units of enquiry in statutory interpretation - the statutory text and the intention of the Parliament - and the Judge must seek to harmonise the two. [Cross's ".Statutory Interpretation". (Second Edn.), at Page 21].

15. There is a presumption that the legislature inserts every part of a statute for a purpose and that every part should have effect. [J.K.Cotton Spinning and Weaving Mills Co. Ltd., v. State of U.P. (AIR 1961 SC1170)].

16. They should be so construed as to give effect and operation to all portions thereof and that a construction which renders any portion of them inoperative should be avoided. [Anantha Krishnan v. State of Madras (AIR1952 Mad. 595)]..

17. Where the language of a statutory provision is susceptible of two interpretations the one which promotes the object of the provision, comports best with its purpose and preserves its smooth working should be chosen in preference to the other which introduces inconvenience and uncertainty in the working of the system. [State of Gujarat v. Chaturbhuj Maganlal (AIR 1976 SC1697= 1976 (3) SCC54)]..

18. A statute must be construed as a workable instrument. Ut res magis valeat quam pereat is a well-known principle of law. [Balram Kumawat v. Union of India (AIR 2003 SC3268= 2003 (7) SCC628)]..

19. A Court must construe a section, unless it is impossible to do so to make it workable rather than to make it unworkable. [Lord Dunedin in Whitney v. Inland Revenue Commissioners (1926 AC37)]..

20. The Courts strongly lean against any construction which tends to reduce a statute to a futility. The provision of a statute must be so construed as to make it effective and operative on the principle ut res magis valeat quam pereat. [Tinsukhia Electric Supply Co. Ltd., v. State of Assam (AIR 1990 SC123)].

21. In construing a statute, the Court has to ascertain the intention of the law making authority in the backdrop of the dominant purpose and the underlying intendment of the said statute and that every statute is to be interpreted without any violence to its language and applied as far as its explicit language admits consistent with the established rule of interpretation. [Mohan Kumar Singhania and others v. Union of India and others (AIR 1992 SC1= 1991 AIR SCW2646= 1991 Lab IC2334 Para 67)]..

22. The universe of meanings is neither a sound-proof system nor a nisy babel. We have guidelines, not rituals. The rule is not, always literalism, for that sounds like bigotry. Nor is it whatever the interpreter chases, like historicity, sociology,

contextuality and a host of fancy-dress fashions, for that will create unwarranted variances and supersede the law-maker by a side-wind. Words used designedly by trained draftsmen and authenticated by purposeful legislators, must possess a mandate, a meaning and a mission. That is its sense. [Union of India v. Sankalchand Himatlal Sheth and another (AIR 1977 SC2328= 1977 (4) SCC193)].

23. The current and correct view of the interpretative process is that words must be given their literal' or 'ordinary' meaning unless there are compelling reasons, recognised by canons of construction, to the contrary. [Authorised Officer, Thanjavur and another v. S.Naganatha Ayyar, etc., (AIR 1979 SC1487= 1979 (3) SCC466)].

24. The cardinal rule of construction of statutes is to read the statute literally, that is by giving to the words used by the legislature their ordinary, natural and grammatical meaning. If, however, such a reading leads to absurdity and the words are susceptible of another meaning the Court may adopt the same. But if no such alternatively construction is possible, the Court must adopt the ordinary rule of literal interpretation. [Martin B. in Latham v. Lafone, (1887) 2 Ex. 115 at 121].

25. The words of a statute are first understood in their natural, ordinary or popular sense and phrases and sentences are construed according to their grammatical meaning unless that leads to some absurdity or unless there is something in the context or in the object of the statute to suggest the contrary. [Shri. Mohd. Ali Khan and others v. The C.W., Tax, New Delhi, 1997 (3) JT (SC) 250 = (1997) 3 SCC511= AIR 1997 SC1165= 1997 AIR SCW1175= 1997 Tax LR371].

26. The provision in the statute has to be understood in its ordinary natural sense unless the Court finds that the provision sought to be interpreted is vague or obscurely worded. [Steel Authority of India Ltd., and others v. National Union Water Front Workers and others, etc. (AIR 2001 SC3527= 2001 (7) SCC1)].

27. Courts should not be astute to defeat the provisions of an Act whose meaning is, on the fact of it, reasonably plain. [Shamrao v. Parulekar and Others v. District Magistrate, Thana, Bombay and Others (AIR 1952 SC324)].

28. In the light of the above principles of law, laid down by the Hon'ble Apex Court, this Court is not inclined to accept the contention of the appellant that the claimants/sisters, as legal representatives are not entitled to claim compensation.

29. The accident has occurred on 29.05.2008. The deceased was aged 45 years and as a spring maker for bus and lorry stated to have earned Rs.10,000/- per month including batta. In Sri Ramachandrappa Vs. The Manager, Royal Sundaram Alliance Insurance Company Ltd., reported in 2011 (2) TNMAC190SC, when a sum of Rs.4,500/- was claimed as the monthly wages for the deceased, stated to be a coolie, the claims tribunal has taken Rs.3,000/- for the purpose of computing the loss of contribution to the family. However, when the matter was taken on appeal, the Supreme Court having regard to the wages of a labourer, during the relevant period (2004 - between Rs.100 to Rs.150/- per day) found fault with the tribunal, for reducing the claim from Rs.4,500/- to Rs.3,000/- and determined the income at Rs.4,500/-.

30. Considering the cost of living, price index, inflation and the increase in the purchase power, this Court is of the view that it cannot be said that the wages of a skilled person, can be restricted to what a labourer without skill would have earned. Determination of monthly income at the rate of Rs.6,000/- to a skilled labourer, viz., spring maker for bus and lorry at the age of 45 years, on the basis of the testimony of sisters/claimants, cannot be said to be without any basis. Having regard to the decision in Sri Ramachandrappa's case, even the wages of the labourer would not be static. Therefore, for the reasons stated supra, this Court is of the view that a sum of Rs.6,000/- fixed as monthly income of the deceased cannot be said to be arbitrary, though, no document has been filed.

31. Further, the claims tribunal has deducted 1/3 towards personal and living expenses of the deceased. As the deceased was a bachelor, aged about 45 years, it could be presumed that he would have contributed a reasonable sum to his sisters also. In that view of the matter and having regard to the value of human life, this Court is not inclined to deduct 50% of the income of the deceased, as contended by the transport corporation. In view of the above discussion, the quantum of compensation is sustained. The Civil Miscellaneous Appeal is

dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

32. Consequent to the dismissal of the appeal, the appellant-State Transport Corporation, is directed to deposit the award amount, with proportionate accrued interest and costs, less the statutory deposit, to the credit of M.C.O.P.No.1380 of 2008 on the file of the Motor Accidents Claims Tribunal (Special District Judge), Salem, within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the respondents/claimants are permitted to withdraw their share in the award amount, as apportioned by the tribunal, by making necessary applications. 16.06.2014 Index: Yes Internet: Yes ars S.MANIKUMAR, J., ars To 1. The Motor Accident Claims Tribunal, (Special District Judge), Salem.

2. The Section Officer, VR Section, High Court, Madras. C.M.A.No.1724 of 2014 and M.P.No.1 of 2014 16.06.2014

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