

The Managing Director. Vs. A.Williams

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Court : Chennai

Decided On : Jul-17-2012

Judge : P.Devadass, J.

Appeal No. : C.M.A.No.3756 of 2005

Appellant : The Managing Director

Respondent : A.Williams

Advocate for Def. : Mr.K.Kalyanasundaram, Adv

Advocate for Pet/Ap. : Ms.S.Geetha, Adv

Judgement :

PRAYER:- Appeal against the judgment and decree dated 01.12.2004 made in M.C.O.P. No.58 of 2004 on the file of the Motor Accidents Claims Tribunal (Chief Judicial Magistrate), Coimbatore.

JUDGMENT

1. The Transport Corporation disputes quantum of compensation awarded to the claimants for the death of their son.

2. According to the learned counsel for the appellant, the deceased was a non-earning member and in such a case, the Tribunal adopted Rs.3,000/- per month

as monthly income and adopted the multiplier 10 and awarded excessive compensation.

3. On the other hand, the learned counsel for the claimants would contend that the deceased lost his life at a young age. He was a very brilliant boy. He was about to finish his Diploma, but, before that his life itself was finished. Had he alive he would have been a very good support morally, economically and financially to his beloved parents. Now, everything is lost. In the circumstances, the Tribunal adopted the monthly income as a yardstick to calculate the compensation. Although, in the facts and circumstances, the correct multiplier is 13, the Tribunal had adopted only 10, so, if we view the matter from that angle, actually what was awarded is very less.

4. On 19.10.2003, the road accident had taken place. At that time, the deceased was 18 years old. Then he was studying second year ECE Diploma Course. Only one more year is left to come out as a full-fledged Diploma holder. But before that, he lost his life. The deceased is the only son of the claimants. There is every possibility that they will educate him for a bright career. At the time of accident, he was a student. He was a non-earning member. But, taking into account the aspects pertaining to the deceased which we have seen, the Tribunal had adopted Rs.3,000/- per month and applied the multiplier 10 and calculated the compensation amount accordingly. Considering the age and the educational qualification of the deceased and the fact that he is the only son of the claimants, who are now aged also, we are of the view that the quantum of compensation is neither low nor high.

5. In the result, the Civil Miscellaneous Appeal is dismissed. The award of the Tribunal is upheld. The claimants are permitted to withdraw the entire amount, less amount, if any already withdrawn. No costs.

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