

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2015

CORAM

THE HON'BLE MR. JUSTICE S.MANIKUMAR
and
THE HON'BLE MR. JUSTICE M.VENUGOPAL

C.M.A. No.1884 of 2015
and
M.P.No.1 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation
Ltd., Villupuram, Kanchipuram ... Appellant/Respondent

Vs.

1.Mrs.Kannagidevi
2.Senthamizhselvi (Minor)
3.Senthamizhmalar (minor)
(2 & 3 minors rep.by their
mother 1st respondent)
4.Mrs.Amsa ... Respondents/Petitioners

Appeal against the judgment and decree dated 24.1.2014 in
M.C.O.P.No.419 of 2011 on the file of Motor Accidents Claims
Tribunal (III Small Causes Court), Chennai.

For Appellant .. Mr.P.Paramasiva Doss

For Respondents .. Mr.F.Terry Chelliah rafa for
Mr.V.Velu

JUDGMENT

(Judgment of the Court was delivered by S.MANIKUMAR, J.)

Being aggrieved by the quantum of compensation awarded by
the Motor Accidents Claims Tribunal (III Small Causes Court),
Chennai, in M.C.O.P.No.419 of 2011, the Tamil Nadu State
Transport Corporation Ltd. has filed the present appeal.

2.Brief facts are that on 20.10.2010, about 15.30 hours,
when the deceased was travelling in a MTC bus, bearing
Registration No.TN-21-N-0805, from Madurantagam to Chengalpet,

the driver of the bus, without waiting for the passengers to get down from the bus at Venus Bakery bus stop, suddenly started the bus, in a rash and negligent manner, due to which, the deceased fell down, the bus ran over him, and he died on the spot. The deceased was aged 43 years, at the time of accident, and he was working as Panchayat Assistant and earning Rs.7,500/- per month. Alleging that the accident was due to the rash and negligent driving of the driver of the bus, claimants, who are the wife, minor children and mother of the deceased have filed a claim petition, claiming compensation of Rs.20 lakhs.

3.The appellant/Transport Corporation has filed counter denying the manner of accident, age, avocation and income of the deceased and also the dependency of the claimants. The appellant/Transport Corporation has also raised a contention that the accident has occurred, only due to the carelessness and negligent act of the deceased.

4.To substantiate the claim, the first claimant/wife of the deceased examined herself, as P.W.1, one Mr.Arumugam-eye witness to the accident, has been examined as P.W.2 and Mr.Dhandapani, the Manager of the Block Development Office, has been examined as P.W.3, so as to prove the employment and income of the deceased. On the side of claimants, Exs.P1 to P14 were marked. On the side of the Transport Corporation, Mr.Selvan, driver of the bus has been examined as R.W.1 and no documentary evidence, was adduced.

5.Upon consideration of oral and documentary evidence, the Tribunal, held that that the accident was due to the rash and negligent driving of RW1/the driver of the bus belonging to the appellant/Transport Corporation and hence, the Transport Corporation was liable to pay the compensation. Though it was claimed that the deceased was getting Rs.7,500/- per month, as Panchayat Assistant, and that he was also writing M Book for Government Contractors and through the said work, he was earning a sum of Rs.3000/- to Rs.4000 per day, the Tribunal, on the basis of Ex.P4-the Salary Certificate, has determined the income of the deceased at Rs.7,242/- per month.

6.Taking into consideration the age of the deceased i.e. 43 years, the Tribunal has also added 30% of the income, for arriving the pecuniary loss.

7.Accordingly, the Tribunal has fixed the monthly income of the deceased at Rs.9,500/-. Since there are four claimants, after deducting 1/4th of the amount, towards the personal expenses of the deceased, the Tribunal fixed the take home salary of the deceased, at Rs.7,125/- and accordingly arrived the pecuniary loss at Rs.85,500/- (Rs.7,125/- x 12 = Rs.85,500/-) per annum.

8. Since the deceased was aged 43 years, at the time of accident, the Tribunal, adopted multiplier of 14, and awarded Rs.11,97,000/- (Rs.85,500/- x 14 = Rs.11,97,000/-) towards the pecuniary loss. The Tribunal has awarded a total compensation of Rs.15,52,000/- as under:

Towards Pecuniary loss	.. Rs. 11,97,000.00
Loss of Consortium to the first claimant	.. Rs. 1,00,000.00
Loss of Estate	.. Rs. 1,50,000.00
Funeral Expenses	.. Rs. 25,000.00
towards loss of Love and affection	.. Rs. 80,000.00
	=====
Total	: Rs. 15,52,000.00
	=====

9. Since the appellant had challenged only the quantum of compensation, we are not dealing with the negligence and the aspect of liability.

10. The deceased was aged 43 years, at the time of accident and that he was a Government servant, working as a Panchayat Assistant. The claimants have marked Ex.P4 - copy of the Salary certificate of the deceased, and on perusal, the Tribunal has recorded that at the time of accident, the deceased was getting a salary of Rs.7,242/- per month. It was also claimed that the deceased was earning Rs.3,000/- to Rs.4,000/- per day, by way of writing M Book for the Government Contractors.

11. However, accepting Ex.A4-salary certificate, the Tribunal has fixed the monthly salary of the deceased as Rs.7,242/-. Since the deceased was aged about 43 years, at the time of accident, and considering the future prospects, in the light of the dictum laid down by the Hon'ble Supreme Court in Reshma Kumari and Others vs. Madan Mohan and another - 2013(1) TNMAC 481(SC), the Tribunal has added 30% of the income, for arriving the pecuniary loss due to the death of the deceased and accordingly, arrived at the pecuniary loss at Rs.9,500/- per month. Since there were four claimants, in the claim petition, the Tribunal, has deducted 1/4th of the income, towards the personal and living expenses of the deceased, and by applying multiplier 14, as the deceased was 43 years, at the time of accident, arrived the pecuniary loss, at Rs.11,97,000/- per annum.

12. Since the pecuniary loss arrived at by the Tribunal, as stated above, is in line with the dictum laid down by the Hon'ble Supreme Court in Smt.Sarla Verma and Others Vs. Delhi Transport Corporation and Others (2009 (5) L.W. 561), we do not

propose to interfere with the same, and accordingly, the same is confirmed.

13.The Tribunal has awarded only a sum of Rs.80,000/- towards loss of love and affection.

14.Taking into consideration the fact that there were two minor daughters, at the time of accident, who have lost the love and affection of their father, at the young age and that throughout their life, they have to live without the affection of their father and his guidance, and that there was also a age old mother, who had lost her only son, this Court deems it fit to award another sum of Rs.70,000/- under the said head and accordingly it is awarded. At this juncture, this Court is also aware that no appeal is preferred and pending, seeking for enhanced compensation, on the above head. But we cannot keep our eyes closed, when the statute mandates just compensation. Constitutional Courts should not shirk their responsibility, when there is a mandate. At this juncture, we recollect the following decisions:

(i) In National Insurance Co. Ltd., v. M.Jayagandhi reported in 2008 (1) TNMAC 177, on the question as whether in the absence of any Cross Objection, the High Court could suo moto enhance the compensation, by exercising power under Order 41, Rule 33 CPC., this Court, at Paragraphs 37 and 38, held as follows:

"37. The question arising for consideration is whether in the absence of any Cross Objection, the Appellate Court could suo motu enhance the compensation. The Appellate Court exercising power under Order 41, Rule 33, CPC could enhance the quantum of compensation even without Cross-Objection. The Courts and Tribunals have a duty to weigh various factors and quantify the amount of compensation which should be just. Reference could be made to the decision of the Supreme Court in Sheikhpura Trans. Co. Ltd. v. Northern India Transporter's Ins. Co. Ltd. , 1971 ACJ 206 (SC), wherein it is held that pecuniary loss to the aggrieved party would depend upon data which cannot be ascertained accurately, but must necessarily be an estimate or even partly a conjecture. The general principle is that the pecuniary loss can be ascertained only by balancing, on the one hand, the loss to the Claimants of future pecuniary benefits and on the other any pecuniary advantage which from what-ever sources come to them by reason of the death, i.e. the balance of loss and gain to a dependant by the death must be ascertained. The determination of the

question of compensation depends on several imponderables. In the assessment of those imponderables, there is likely to be a margin of error. Broadly speaking, in the case of death, the basis of compensation is loss of pecuniary benefits to the dependants of the deceased which includes pecuniary loss, expenses, etc. and loss to estate. Object is to mitigate hardship that has been caused to the legal representatives due to sudden demise of the deceased in the accident. Compensation awarded should not be inadequate and should neither be un-reasonable, excessive nor deficient.

38. Of course, the Claimants who are widow, minor daughter and mother have not filed any Cross-Objection. Even without a Cross-Objection, questioning the quantum, the Court could suo motu enhance compensation under Or. 41, R. 33, CPC. In this context, reference could be made to 1999 ACJ 977 [Karnataka] wherein it has been held as follows:

"(6) I am in general agreement with the basic proposition of law that has been canvassed by the appellant's learned advocate when he points out that it is a well settled principle that a party who suffers an order or a decree and does not Appeal against it or assail it would normally not be permitted at the hearing of the Appeal to try and take advantage of the situation by asking for enhancement. The issue is not that but really as to whether this situation prescribes an absolute and total bar to the Court granting a relief if in the interest of justice such a relief is an absolute must. One has to view the situation from a rather practical point of view the first of them being with regard to the very poor quality of legal assistance that is usually available in and around the M.A.C.T. and thereafter, the second aspect of the matter being that the status of the parties and their general condition themselves may be such that they are unable to agitate the matter further and the third aspect of the matter which is relevant having regard to the present case, is the possibility of certain further tragic occurrences such as deaths that may have intervened, all of which may contribute to a situation wherein the Court finds that no Appeal or Cross-Objections have been filed. The essence of doing justice requires that compensation when awarded has got to be reasonable and fair and it has also got to be

adequate having regard to the totality of the circumstances. The hearing of the Appeal involves a total review of the case and the Appeal is virtually an extension of the proceedings before the lower Court. The law is well settled with regard to one interesting aspect of the matter, namely, that the Courts do come across a few instances where instead of over-pitching the case before the Trial Court, a very modest amount is claimed and the Tribunals in these circumstances have been wrongly limiting the relief to the amount that has been claimed on the ground that even though the party is entitled to something higher, what was asked for is a lower figure. This Court had occasion to correct these orders and to lay down that the Tribunal is required to pass an order quantifying the compensation correctly irrespective of what has been claimed on the basis of the principle that it is not the amount that is claimed in that matter, insofar as if the Court has to the power to award a lesser amount, that it is equally equipped with the power to award a higher amount. It is that principle which applies with equal force to the Appeal Court and though I do not dispute that a Court would normally not permit a party to ask for enhancement unless an Appeal or Cross-Objections have been filed but there could be a very small category of cases in which the Court would make an exception, the reason being that the essence of doing justice requires that a Court will not refuse a relief only because of a technical or a procedural bar. I need to amplify here that if the technicalities are upheld, the result would be doing injustice insofar as the party will be left with a compensation lesser than what a fair evaluation entitles the party to. Again, I do not on the basis of the law as enunciated by the Courts in the decisions set out by me above, subscribe to the view that there exists any bar in the way of this Court exercising such powers. The powers do exist under Order 41, Rule 33, Civil Procedure Code and more importantly, such powers can certainly be exercised under section 151, Civil Procedure Code in the interest of justice."

Applying the above decision, in Tamil Nadu State Transport Corporation v. Vasantha and Ors. , 2006 (3) ACJ 1917: 2006 (1) TN MAC 336 Justice Arumuga perumal Adithyan has enhanced compensation, exercising power under Or. 41, R. 33, CPC and Section 151, CPC."

(ii) In Tamil Nadu State Transport Corporation v. Saroja and Ors., reported in 2008 (1) TNMAC 352, this Court has considered the same issue and the said point is answered as follows:

"6. On point:

The learned counsel for the respondents/claimants placing reliance on Order XLI, Rule 33 of C.P.C. and the various decisions emerged thereunder would pray that the compensation might be enhanced even though no cross-objection has been filed by the claimants, whereas the learned counsel for the appellant - Transport Corporation would cite the decision of the Hon'ble Apex Court in Oriental Insurance Co. Ltd. v. R. Swaminathan & Ors. , 2006 (2) ACC 701 (SC), and develop his arguments to the effect that unless there is a cross objection, the question of enhancing the compensation would not arise. Hence, it is just and necessary to refer to the decision of the Hon'ble Apex Court in Oriental Insurance Co. Ltd. v. R. Swaminathan & Ors. , 2006 (2)ACC 701 (SC). An excerpt from it would run thus:

"Apparently the first respondent claimant was satisfied with the Tribunal's Award as he did not file any Appeal there against to the High Court. Nonetheless, being aggrieved by the Single Judge's judgment, the claimant filed a Letters Patent Appeal before the Division Bench of the High Court. This Appeal was allowed and by the impugned judgment the High Court has awarded total compensation amounting to Rs.7,44,000/- under different heads with a direction for payment of inte-rest at 18% from the date of Petition. The appellant-Insurance Company is aggrieved thereby and is in Appeal before us.

The issue that arises in this case is, whether the Division Bench of the High Court was justified in increasing the compensation amount beyond the amount awarded by the Tribunal despite the fact that the Award of the Tribunal was not at all challenged by the claimant. The only reason given by the Division Bench of the High Court for doing so is:

"In this connection, we may observe that we are aware of the fact that we are enhancing the compensation even though the injured has not claimed it. But, the question is covered by catena of decisions justifying enhancement of compensation even if cases where the injured has not preferred an Appeal, provided the circumstances of the case warrants the same."

To say the least, this was a very facial way of interfering with the award when no interference was called for. We called upon the learned Counsel on both sides to show us at least one case (out of the catena of judgments referred to in the impugned judgment) in support of this proposition. Learned counsel frankly confessed that there was none. On the other hand, the learned Counsel for the appellant drew our attention the judgment of this Court in *Banarsi v. Ram Phal*, 2003 (2) SLT 258: 2003 (9) SCC 606, which supports the proposition that in an Appeal filed by the defendant laying challenge to the grant a smaller relief, the plaintiff as a respondent cannot seek a higher relief if he had not filed an Appeal on his own or had not taken any cross-objection. In the present Appeal it would appear that the claimant neither Appealed against the award of compensation passed by the Tribunal, nor filed any cross-objection in the First Appeal filed by the Insurance Company. Thus, we are satisfied that the Division Bench of the High Court wholly erred in increasing the compensation amount beyond the amount awarded by the Tribunal in the Appeal filed by the Insurance Company."

7. A mere perusal of the excerpt from the said decision would clearly indicate that the Hon'ble Apex Court in that decision has not laid down as a universal rule of interpretation of Order 41, Rule 33 of C.P.C. Taking into consideration, the method and manner in which the Division Bench of this Court in the Letters Patent Appeal, without citing adequate reasons and precedents, enhanced the compensation amount to an extent of Rs. 7,44,000/- with 18% interest from that of Rs. 3,00,000/- awarded by the Single Bench of the same Court, the Hon'ble Apex Court found fault with it.

8. Furthermore, the above excerpt also would reveal that without even relying upon any precedent, the Division Bench of this Court, simply enhanced the compensation and that too to the extent of double that of what the Single Judge of this Court ordered. It is also clear that when the Hon'ble Apex Court wanted a precedent in that regard, the learned counsel for the appellant therein cited only the decision of the Hon'ble Apex Court in *Banarsi v. Ram Phal*, 2003 (2) SLT 258: 2003 (9) SCC 606. As such, in the peculiar facts and circumstances of that case, the Hon'ble Apex Court felt that the power under order 41, Rule 33 of C.P.C. invoked by the High Court and that too in a case where such an enhancement was not at all warranted, looked askance at it. It is therefore explicit that the Hon'ble Apex Court in the cited decision has not

laid down the law that even in a fit case, the High Court should not invoke Order 41, Rule 33 of C.P.C. in the absence of filing cross Appeal. Furthermore under Order 41, Rule 33, there are earlier decisions of the Hon'ble Apex Court, which could be cited as under:

(i) Municipal Board, Mount Abu v. Hari Lal , 1988 ACJ 281.

(ii) Dangir v. Madan Mohna , AIR 1988 SC. 54.

(iii) M.D. Pallavan Transport Corporation Ltd., v. Kalavathi , 1998 (1) ACJ 151.

(iv) State of Punjab v. Bakshish Singh , 1998 (8) S.C.C. 222.

9. The perusal of the aforesaid Judgments of the Hon'ble Apex Court would clearly highlight that without filing cross Appeal, the respondents in the Appeal could pray for reliefs and that the High Court under Order 41, Rule 33 could grant such reliefs also. This Court in several cases adhering to the aforesaid decisions of the Hon'ble Apex Court held that under Order 41, Rule 33 of C.P.C., this Court could enhance the compensation in appropriate cases. An excerpt from the decision of this Court in Managing Director, Thanthai Periyar Transport Corp., Villupuram v. Sundari Ammal and four Others reported in 1999 (2) CTC 560 would run thus:

"Unfortunately, in the instant case, there is no cross-objection. Therefore, it would be essential, in this context, to consider whether this Court has got powers to enhance the amount of compensation, in the event of coming to the conclusion that the award was on the lower side, even though there is no cross-objection by the claimants.

In Dangir v. Madan Mohan , AIR 1988 S.C. 54 and M.D., Pallavan Transport Corporation Ltd., v. Kalavathi , 1998 (1) A.C.J 151, it is held that this Court has got power to enhance the compensation, even though the claimants had not filed any cross-objection against the award seeking for higher compensation, if this Court finds that the amount awarded by the Tribunal is not just and adequate.

As pointed out by the Apex Court in State of Punjab v. Bakshish Singh , 1998 (8) S.C.C. 222, the reading of the provision would make it clear that the Appellate Court has got wide power to do complete justice between the parties and which enables this Court to pass such decree or order as ought to have been passed or as the nature of the case may require

notwithstanding that the party in whose favour the power is sought to be exercised has not filed any Appeal or cross-objection.

The Apex Court in *Dhangir v. Madan Mohan*, A.I.R. 1988 S.C. 54, by referring Order 41, Rule 33, would make the following observation:

"The Appellate Court could exercise the power under Rule 33 even if the Appeal is only against a part of the decree of the lower Court. The Appellate Court could exercise that power in favour of all or any of the respondents although such respondent may not have filed any Appeal or objection. The sweep of the power under Rule 33 is wide enough to determine any question not only between the appellant and respondent, but also between respondent and co-respondents. The Appellate Court could pass any decree or order which ought to have been passed in the circumstances of the case. The words 'as the case may require' used in Rule 33, Order 41 have been put in wide terms to enable the Appellate Court to pass any order or decree to meet the ends of Justice. What then should be the constraint? We do not find many, we are giving any liberal interpretation. The rule itself is liberal enough. the only constraints that we could see may be these: That the parties before the lower Court should be there before the Appellate Court. The question raised must properly arise out of judgment of the lower Court. If these two requirements are there, the Appellate Court could consider any objection against any part of the judgment or decree of the lower Court. It is true that the power of the Appellate Court under S. 33 is discretionary. But, it is a proper exercise of judicial discretion to determine all questions urged in order to render complete justice between the parties. The Court should not refuse to exercise that discretion on mere technicalities."

10. And then the Division Bench of this Court in the decision in *The Managing Director, Annai Sathya Transport Corporation Ltd., Dharmapuri v. Janardhanam and 7 others*, 2000 (2) CTC 272 placing reliance on the decision of the Hon'ble Apex Court held a similar view that without cross Appeal Order 41, Rule 33 of C.P.C. could be invoked in appropriate cases. An excerpt from it would run thus:

"At this stage, learned counsel appearing for the respondent/claimants would submit that the Tribunal has awarded interest only from the date of the Judgment and not from the date of the petition. The learned counsel for the respondents/claimants would submit that

even though no Appeal has been filed by the respondents/claimants or no cross-objections have been filed by them, this Court has discretionary power by virtue of Order 41, Rule 33 of Code of Civil Procedure and also in view of the rulings of the Supreme Court in Dhangir v. Madan Mohan , AIR 1988 SC 54 to grant the proper relief. Of course, the Apex Court has pointed out in clear and categorical terms and the power conferred under Order 41, Rule 33 on the Appellate Court is discretionary, and then it must be used in proper case using the judicial discretion to render justice. The Apex Court in United India Insurance Co., Ltd., v. Narendra Pandurang Kadam and others , 1995 (1) SCC 320 has clearly laid down that the rate of interest must be awarded from the date of the petition and not from the date of the Judgment."

11. Over and above that the decision of the Hon'ble Three Judges' Bench of the Hon'ble Apex Court, in Nagappa v. Gurudayal Singh and others , 2003 ACJ 12: 2004 (2) TN MAC 398 (SC), could be cited here. An excerpt from it would run thus:

"Firstly, under the provisions of Motor Vehicles Act, 1988 (hereinafter referred to as 'the M.V. Act'), there is no restriction that compensation could be awarded only up to the amount claimed by the claimant. In an appropriate case where from the evidence brought on record if Tribunal/Court considers that claimant is entitled to get more compensation than claimed, the Tribunal may pass such award. Only embargo is - it should be 'just' compensation, that is to say, it should be neither arbitrary, fanciful nor unjustifiable from the evidence. This would be clear by reference to the relevant provisions of the M.V. Act. Section 166 provides that an application for compensation arising out of an accident involving the death of, or bodily injury to, persons arising out of the use of motor vehicles, or damages to any property of a third party so arising, or both, could be made (a) by the person who has sustained the injury; or (b) by the owner of the property; or (c) where death has resulted from the accident, by all or any of the legal representatives of the deceased; or (d) by any agent duly authorised by the person injured or all or any of the legal representatives of the deceased, as the case may be. Under the proviso to subsection (1), all the legal representatives of the deceased who have not joined as the claimants are to be impleaded as respondents to the application for compensation. Other important part of the said Section is subsection (4) which provides that 'the Claims Tribunal shall treat

any report of accidents forwarded to it under subsection (6) of Section 158 as an application for compensation under this Act?. Hence, Claims Tribunal in appropriate case can treat the report forwarded to it as an application for compensation even though no such claim is made or no specified amount is claimed."

(iii) In Tamil Nadu State Transport Corporation v. Pothumponnu [CMA(MD)No.714 of 2009, dated 05.08.2009], this Court, held as follows:

"17. Notice can be issued to the opposite parties/respondents only in case where their rights are going to be affected by way of variation/reduction. In this case, the claimants are going to be benefited. Hence, no notice is necessary in the appeal. When the Tribunal commits a mistake that too a material mistake, this Court cannot close its eyes and decide the matter mechanically. When the mistake is noticed by this Court, this Court has got power to do away with it, even while dismissing the appeal at the admission stage itself. The presence of the respondent is not a must. When there is a case for admission, the matter can be admitted and notice can be ordered. When there is no case made out for admission, the appeal deserved to be dismissed. While dismissing, the material irregularity committed by the Tribunal can be set right by awarding suitable amounts to the respondents without notice to them. The presence of the claimants or absence does not make any difference. Even if they are present and they do not bring it to the notice of this Court about the irregularity, this Court can always remedy the same suo motu under Order XLI Rule 33 of the Code of Civil Procedure and Section 173 of the Motor Vehicles Act and invoking Articles 227 of the Constitution of India. Moreover, Sections 163 and 166 are beneficial provisions of the Motor Vehicles Act aimed at consoling and compensating the victims of the accident. This Court's approach should be humane in nature not whittled down by technicalities. The powers of the Court are wide enough to do complete justice."

15. Likewise, since the Tribunal has not awarded any amount towards conventional damages and transportation expenses, we award a sum of Rs.10,000/- and Rs.2000/- respectively, under the said heads.

16. For the reasons stated supra, the total compensation awarded by the Tribunal at Rs.15,52,000/- is enhanced to Rs.16,34,000/-, as under:

Head	Amount awarded by the Tribunal-Rs.	Amount now awarded Rs.
Annual pecuniary loss	11,97,000.00	11,97,000.00
Loss of estate	1,50,000.00	1,50,000.00
Loss of love and affection	80,000.00	1,50,000.00
Transportation expenses	-----	2,000.00
Funeral Expenses	25,000.00	25,000.00
Loss of Consortium	1,00,000.00	1,00,000.00
Conventional damages	---	10,000.00
TOTAL	15,52,000.00	16,34,000.00

17. Interest awarded by the Tribunal at 7.5% per annum is confirmed. The enhanced amount will carry interest at 7.5% per annum from the date of petition, till the date of payment.

18. In the result, the Civil Miscellaneous Appeal is dismissed. The compensation awarded by the Tribunal (III Judge), Chennai at Rs.15,52,000/- is enhanced to Rs.16,34,000/-, with interest at 7.5% per annum. Out of the enhanced compensation of Rs.82,000/-, the 4th claimant/mother of the deceased is entitled to a further sum of Rs.48,000/- and that the claimants 2 and 3, are entitled to Rs.17,000/- each.

19. It is stated by the learned counsel for the appellant/Transport Corporation that a sum of Rs.9,50,000/- has already been deposited to the credit of M.C.O.P.No.419 of 2011, by the appellant, on 18.2.2015. It is also stated that a statutory deposit of Rs.25,000/- has also been made.

20. In view of the above submission, the appellant/Transport Corporation is directed to deposit the balance compensation amount now determined by this Court, within interest, at the rate of 7.5% per annum, within a period of six weeks, from the date of receipt of a copy of this order.

21.On such deposit, respondents 1 and 4/claimants 1 and 4 are permitted to withdraw their respective shares. In so as the shares of the minor respondents 2 and 3/claimants 2 and 3 are concerned, the same shall be deposited, in any one of the Nationalised Banks, in a Fixed Deposit, initially for a period of one year, renewable thereafter from time to time till the minors attain majority.

22.Learned counsel for the respondents/claimants fairly submitted that the Court Fee on the enhanced compensation would be paid within a period of one week from today. Disbursement shall be made only after remitting the Court fee.

23.The civil miscellaneous appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

sd/-

ASSISTANT REGISTRAR (CS-III)

/ TRUE COPY /

SUB-ASSISTANT REGISTRAR

msk

To

1.The III Judge,
(Motor Accidents Claims Tribunal),
Court of Small Causes, Chennai.

+1 CC to Mr.V.Velu Advocate. SR.NO. 43212

+1 CC to Mr.P.Paramasivadosh Advocate. SR.NO. 43219

सत्यमेव जयते

WEB COPY

C.M.A.No.1884 of 2015

CO-KM

JD 15/10/2015