

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 18.11.2016

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

C.M.A. No.2400 of 2016

The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam Division),
No.46, Railway Station Road,
Periya Melakuparai, Trichy – 620 001. .. Appellant

Vs

1.Sivakami
2.Meena
3.Leela
4.Sampurnam
5.Arumugam
6.Vasanthi
7.Karuppanna Pillai .. Respondents

Prayer: This Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the decree and judgment dated 16.11.2015, made in MCOP.No.742 of 2014, on the file of the Motor Accident Claims Tribunal, Additional District Judge, Namakkal.

For appellant : Mr.D.Venkatachalam

JUDGMENT

Aggrieved by the award dated 16.11.2015, made in MCOP.No.742 of 2014, on the file of the Motor Accident Claims Tribunal, Additional District Judge, Namakkal, in awarding a sum of 6,81,300/- for the death of one Kuppayi Ammal, aged about 60 years old, the appellant Transport Corporation has filed the present appeal seeking modification of the said award.

2. Learned counsel appearing for the appellant Transport Corporation has questioned only the compensation awarded under the head of loss of love and affection, by contending that since the claimants 1 to 6 are all married, they are not entitled for any compensation, however, without taking note of such fact, the Tribunal has wrongly awarded exorbitant amount of Rs.1,00,000/- each to the claimants, thus, he prayed for awarding lesser amount on this head.

3. In my view, the above said contention cannot be sustained, for, no amount of money can be compensated for the death of a loved one following a fatal accident. In this case, the deceased was 60 years old and she died leaving behind her five daughters and only son and her husband. Therefore, merely

because the children of the deceased are all married, it cannot be said that they are not entitled for any compensation as they admittedly lost their mother's care irrespective of their ages.

4. Thus, in view of the above, the contention of the appellant seeking to expunge the compensation awarded towards loss of love and affection to the claimants is unsustainable. Accordingly, the Civil Miscellaneous Appeal is dismissed. Consequently, the appellant Transport Corporation is directed to deposit the entire award amount along with the interest to the credit of MCOP.No.742 of 2014, on the file of the Motor Accident Claims Tribunal, Additional District Judge, Namakkal, within a period of four weeks from the date of receipt of a copy of this judgment, failing which, they will have to pay the interest at 12% p.a. On such deposit, the claimants are permitted to withdraw their respective share amount as apportioned by the Tribunal by moving appropriate application before it. No Costs.

18.11.2016

Index: yes/no
Internet: yes/no
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T.RAJA,J.

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To

1. Additional District Judge,
(Motor Accidents Claims Tribunal),
Namakkal.

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