



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.11.2016

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

CMA(MD) No.140 of 2014

and

M.P(MD) No.1 of 2014

The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Division,
Kumbakonam.

... Appellant/Respondent

vs.

1) Thiru P.Chelladurai
2) Minor C.Abinaya
3) Minor C.Archana
4) Minor M.Jagajeevanram

(Respondents 2 to 4 are represented by their father and
guardian 1st respondent Thiru P.Chelladurai)

... Respondents/Petitioners

Appeal filed under Section 173 of the Motor Vehicles Act,
against the judgment and decree dated 10.07.2013 passed in
MCOP.No.424 of 2012 on the file of the Motor Accident Claims
Tribunal, Additional District Court, Pudukkottai.

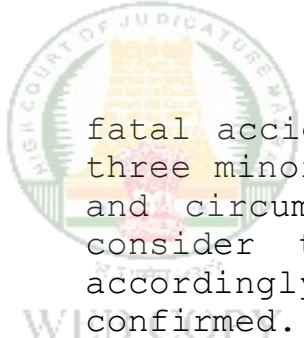
For Appellant : Mr.P.Prabhakaran
For Respondents : No appearance

JUDGMENT

It is the case of unfortunate fatal accident took place on
19.11.2010 around 08.00 p.m on Pudukkottai-Thanjavur main road.
The legal heirs of the deceased filed an application before the
Motor Accident Claims Tribunal, Additional District Court,
Pudukkottai, and the Tribunal considering the facts and
circumstances of the case, awarded Rs.7,40,000/- as total
compensation with interest at 7.5% per annum. The present appeal
is filed by the appellant/transport corporation, challenging the
award passed by the Tribunal, on the ground that the Tribunal has
erroneously calculated the quantum of compensation, more
specifically, under the head 'loss of income'.

2.Learned counsel for the appellant contended that the
Tribunal has taken 1/4th portion of the monthly income as personal
expenses which was erroneous.

3.This Court is unable to agree with the contention of the
learned counsel for the appellant and in fact, it is a case of



fatal accident and the deceased was 36 years of age and there are three minor children who were dependants and considering the facts and circumstances of the case, this Court is not inclined to consider the grounds of appeal raised by the appellant and accordingly, the impugned award passed by the Tribunal is confirmed.

4.The appellant is directed to deposit the entire award amount with proportionate accrued interest and costs, to the credit of the claim petition, within a period of four weeks from the date of receipt of a copy of this judgment, if not deposited already and thereafter, the 1st respondent/claimant, is permitted to withdraw his share with proportionate interest, through RTGS, by filing necessary applications before the Tribunal. The shares of the respondents 2 to 4/minor claimants shall be deposited in a Nationalised Bank in Fixed Deposit, till they attain majority and on attaining majority, it is for them to approach the Tribunal for disbursement of their shares, by making necessary applications.

In the result, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, M.P(MD)No.1 of 2014 is closed.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

The Additional District Judge,
Motor Accident Claims Tribunal,
Pudukkottai.

Copy to:-

The Section Officer, V.R.Section,
Madurai Bench of Madras High Court,
Madurai

+One cc to Mr.P.Prabhakaran, Advocate, SR.No.74500

nbi

RL/4C/2P/GSV/PM/4.1.2017

CMA (MD) No.140 of 2014
30.11.2016