



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2016

Coram:

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A(MD)No.320 of 2014

and

M.P(MD) .No.1 of 2014

The Managing Director,
Tamil Nadu State Transport Corporation
Kumbakonam.

.. Appellant/Respondent

-Vs-

1.A.Gangeshwari

2.Minor.Jenifer

3.Minor.Anu Priya

4.Jesu pillai

(The 2nd and 3rd respondents are
minors represented by their mother
and guardian the 1st respondent)

.. Respondents/Petitioners

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow this appeal and to set aside the Judgment and Decree dated 23.09.2013 passed in M.C.O.P.No.142 of 2013, on the file of the Motor Accident Claims Tribunal/Special District Court Tiruchirappalli.

For Appellant : Mr.P.Prabhakaran
For R1 to R4 : Mr.S.Moorthy

JUDGMENT

This Civil Miscellaneous Appeal has been filed to set aside the Judgment and Decree dated 23.09.2013, passed in M.C.O.P.No.142 of 2013, on the file of the Motor Accident Claims Tribunal/Special District Court Tiruchirappalli.

2. It is a fatal case caused on account of the accident took place on 03.04.2011 around 3.45 p.m. on the Trichy-Thanjavur National Highways and the legal heirs of the deceased filed a



petition seeking compensation before the Motor Accident Claims Tribunal/Special District Court, Tiruchirappalli, in M.C.O.P.No.142 of 2013 and the Tribunal, considering the facts and circumstances, awarded a sum of Rs.9,32,400/-. Challenging the same, the appellant preferred this appeal mainly on the ground of quantum.

3. The learned counsel for the appellant contended that the fixation of Rs.4,500/- as monthly income was higher and the Tribunal ought to have restricted the monthly income of the deceased. The additional 30% of the future loss of income granted by the Tribunal was also erroneous and on these grounds, the award of the Tribunal is to be set aside and the quantum is to be reduced.

4. The learned counsel for the respondent opposed the appeal by stating that the deceased was aged about 35 years, at the time of death and further he was working as daily wages worker in NIT Hostel, Trichy. There are four dependents of the deceased, more specifically wife, two children and mother. Such being the family condition of the deceased and he was the only bread winner of the family, this Court is not inclined to reconsider the quantum of amount granted by the Tribunal. It is pertinent to note that the future prospects, educational and other expenses of the minor children are to be considered, especially while deciding the fate of the dependents. In this case, two minors are involved and an aged mother also a dependent. Such being the facts and circumstances of the case, this Court is not inclined to reconsider the award and accordingly, the order passed by the Motor Accident Claims Tribunal/Special District Court, Tiruchirappalli, in M.C.O.P.No.142 of 2013, dated 23.09.2013 is confirmed.

5. In the result, this Civil Miscellaneous Appeal is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

6. The appellant is directed to deposit the entire award amount with accrued interest and costs, to the credit of M.C.O.P.No.142 of 2013 on the file of the Motor Accident Claims Tribunal/Special District Court, Tiruchirappalli, within a period of four weeks from the date of receipt of a copy of this judgment, if not already deposited. On such deposit being made, the respondents 1 and 4/claimants 1 and 4 are permitted to withdraw their respective share of the award amount with proportionate interest and costs through RTGS, by filing necessary application before the Tribunal concerned. With regard to the minors, the Tribunal is directed to deposit the share of the minor claimants in any one of the Nationalised Banks, in a Fixed Deposit scheme, in the proportion of 1/3rd majority. The first respondent, who is the mother and guardian of the minors/2nd and 3rd respondents, is permitted to withdraw the accrued interest from the share of the minors, once



in three months directly from the bank, only for the welfare of the minors.

Sd/-
Assistant Registrar (AS)

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Sub Assistant Registrar

PJL

To

1.Motor Accident Claims Tribunal,
Special District Court,
Tiruchirappalli.

2.The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.P.Prabhakaran Advocate Sr.No. 78845

JAM/23.01.2017/GSV-SV /3p-4c

C.M.A (MD) No.320 of 2014
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