



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.367 of 2014

and

M.P(MD)No.2 of 2014

The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam-III,
Karaikudi,
Branch Office
Manager,
Tamil Nadu State Transport Corporation,
Kumbakonam Division II
Collector Office Road,
Trichy District.

... Appellant/Respondent

vs.

- 1)Malathy
- 2)Sivaraman
- 3)Minor Sivakumar
- 4)Minor Sivalingam
- 5)Pooranathammal

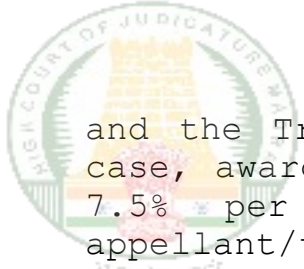
(The respondents 3 and 4 are minors represented by their mother and guardian the 1st respondent) ... Respondents/Petitioners

Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 19.04.2012 passed in MCOP.No.1704 of 2011 on the file of the Motor Accident Claims Tribunal, II Additional Sub Court, Tiruchirappalli.

For Appellant : Mr.P.Prabhakaran

JUDGMENT

It is the case of unfortunate fatal accident took place on 12.09.2008 around 09.45 p.m on Trichy-Pudukottai road. The legal heirs of the deceased filed an application before the Motor Accident Claims Tribunal, I Additional Sub Court, Tiruchirappalli,



and the Tribunal considering the facts and circumstances of the case, awarded Rs.5,68,000/- 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 quantum of compensation awarded by the Tribunal is excessive.

2.Learned counsel for the appellant contended that the deceased himself had committed the act of negligence, by crossing the road, without seeing the bus belonging to the appellant corporation and therefore, the negligence ought to have been fixed on the deceased person and the quantum of compensation is to re-considered and reduced.

3.This Court is unable to appreciate the contentions raised by the counsel for the appellant, in view of the fact that the deceased at the time of death was aged about 45 years and was working as a Real Estate Broker. Considering the facts and circumstances of the case and considering the number of dependants, this Court is not inclined to consider the grounds of appeal and accordingly, the impugned award 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 major claimants, are permitted to withdraw their shares with proportionate interest, through RTGS, by filing necessary applications before the Tribunal. The shares of the respondents 3 and 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.2 of 2014 is closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

The II Additional Sub Court,
<https://hservices.ecourts.gov.in/hservices/>
 Motor Accident Claims Tribunal,
 Tiruchirappalli.



Copy to:

The Section Officer,

VR Section/Record

Madurai Bench of Madras High Court, Madurai

+1 cc to MR.P.PRABHAKARAN, Advocate SR.No.74503

CMA (MD) No.367 of 2014

30.11.2016

SMA/CK/29.12.2016:3P/4C