



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2016

Coram:

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A(MD)No.734 of 2014

and

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

The Managing Director,
Tamil nadu State Transport Corporation,
(Kumbakonam District)
Periyamilaguparai,
Trichy - 1.

.. Appellant/ Respondent

-Vs-

1.N.Vasantha	.. Respondent No.1/Petitioner No.1
2.Minor N.Aswin	.. Respondent No.2/Petitioner No.2
3.Minor N.Divya	.. Respondent No.3/Petitioner No.3

(Minors 2 and 3 are represented
through their mother and next
friend N.Vasantha 1st Respondent
herein)

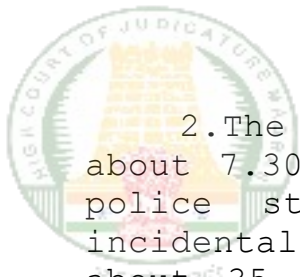
Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Judgment and Decree passed by the Motor Accident Claims Tribunal, Special District Court, Tiruchirapalli in MCOP No.1612 of 2013 dated 10.01.2014.

For Appellant : Mr.D.Sivaraman

For R1 to R3 : Mr.K.P.Narayana Kumar

JUDGMENT

The appellant/Transport Corporation filed the present C.M.A.No.734 of 2014, challenging the award passed in M.C.O.P.No.1612 of 2013 dated 10.01.2014 by the Motor Accident Claims Tribunal, Special District Court, Tiruchirapalli.



2.The unfortunate fatal accident took place on 19.03.2011 at about 7.30 at Alanthoor bus stop within the limits of Manikandam police station. The death occurred due to the accident incidentally and the deceased was a self employee Tailor and aged about 35 years at the time of accident. Wife and two minor children of the deceased filed the claim application before the Motor Accident Claims Tribunal, Special District Court, Tiruchirapalli in MCOP No.1612 of 2013 and the tribunal, considering the facts and circumstances, awarded the total compensation of Rs.7,68,000/-. Against which, the appellant/Transport Corporation preferred this appeal mainly on the ground that the quantum fixed by the tribunal is excessive and specifically, the personal expenses reduced from the monthly income of the deceased is not right and accordingly, the same is to be reduced.

3.This Court is unable to accept such a contention because the tribunal has not fixed the monthly income as Rs.4,500/- per month. Such a fixation is very much reasonable. Therefore, the award amount passed by the tribunal is a just compensation and no interference is required. Hence, this Court is not inclined to consider the grounds raised by the appellant/Transport Corporation in the present appeal.

4.Accordingly, the award passed by the Motor Accident Claims Tribunal, Special District Court, Tiruchirapalli, in MCOP No.1612 of 2013 dated 10.01.2014, is confirmed and the Civil Miscellaneous Appeal is dismissed.

5.It is represented by the appellant / Transport Corporation that the entire award amount has already been deposited and the respondents/claimants has already withdrawn 50% of the award amount. Therefore, the first respondent/first claimant is entitled to withdraw her share as apportioned by the Tribunal, through RTGS, by filing necessary applications before the Tribunal. As far as the shares of the minors are concerned, the Tribunal is directed to deposit their entire share amount in Fixed Deposit, in any one of the nationalized banks, initially for a period of three years, renewable thereafter, till they attain majority and the first respondent/mother of the 2nd and 3rd respondents is permitted to withdraw interest from the said deposit once in three months, directly from the bank. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True copy/



To

The Motor Accident Claims Tribunal,
Special District Judge,
Tiruchirapalli.

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+1 cc to Mr.K.P.Narayanakumar , Advocate in SR.No. 68741

+1 cc to Mr.D.Sivaraman , Advocate in SR.No. 68603

skn

AE/SV SAR3/11.04.2017/3P/4C

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