



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.A(MD)No.1718 of 2013

and M.P(MD)No.1 of 2013

WEB COPY

The Managing Director,
Tamil Nadu State Transport Corporation,
Periyamilaguparai,
Tiruchirapalli.

.. Appellant/Respondent

-Vs-

1.M.Marutharaj

2.M.Babi

3.Minor M.Bharathi Raja

.. Respondents/Petitioners

(R - 3 rep. By his father

and next friend and guardian by R - 1 M.Marutharaj)

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree dated 05.07.2013 made in M.C.O.P.No.395 of 2008 passed by the Motor Accident Claims Tribunal/Sub Court, Kulithalai.

For Appellant : Mr.P.Prabhakaran

For Respondents : No Appearance

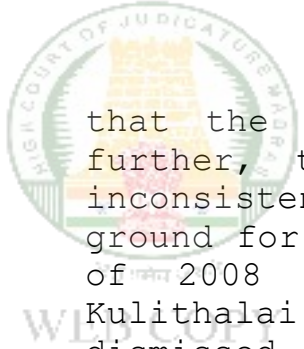
J U D G M E N T

This Civil Miscellaneous Appeal is preferred against the Judgment and Decree, dated 05.07.2013 made in M.C.O.P.No.395 of 2008 passed by the Motor Accident Claims Tribunal/Sub Court, Kulithalai.

2.Unfortunately it is a case of fatal accident, which took place on 04.10.2008 at about 04.30 p.m., near Trichy-Thanjavur Main Road. The injured died on the spot instantly and the heirs of the deceased filed a claim petition before the Motor Accident Claims Tribunal/Sub Court, Kulithalai in M.C.O.P.No.395 of 2008. The Tribunal, considering the facts and circumstances of the case, granted total compensation of Rs.3,80,000/- under various heads.

3.Challenging the quantum of compensation, the appellant/Transport Corporation has preferred this appeal mainly on the ground that the deceased herself had committed an act of negligence and therefore, the Tribunal ought not to have granted compensation by fixing liability on the appellant/Transport Corporation.

4.The point taken by the learned counsel for the appellant/Transport Corporation in this appeal is not sound enough to reconsider the findings of the Tribunal in view of the fact



that the deceased was 17 years of age and was a student and further, the multiplier adopted by the Tribunal is also not inconsistent. Therefore, this Court is not able to appreciate the ground for appeal. Accordingly, the award passed in M.C.O.P.No.395 of 2008 by the Motor Accident Claims Tribunal/Sub Court, Kulithalai is confirmed and the Civil Miscellaneous Appeal is dismissed.

5.The learned counsel for the appellant/Transport Corporation represented that the entire award amount had already been deposited and the respondents 1 and 2/claimants 1 and 2 are permitted to withdraw their respective shares, as per the ratio of apportionment made by the Tribunal, with proportionate accrued interest and costs by filing necessary application before the Tribunal. The Tribunal is directed to deposit the share of the minor-third respondent in any one of the Nationalised Banks, in a Fixed Deposit scheme, till he attains majority. The first respondent, who is the father and guardian of the minor claimant, is permitted to withdraw the accrued interest of the minor once in three months directly from the bank, for the welfare of minor. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Motor Accident Claims Tribunal,
Sub Judge,
Kulithalai.
2. The Record Keeper, V.R Section,
Madurai Bench of Madras High Court, Madurai.

+1 cc to MR. P.PRABHAKARAN, ADVOCATE, SR NO: 74134

ps
RL/SS2/KSM/18.01.2017/2P/4C

C.M.A (MD) No.1718 of 2013
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