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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 09-12-2024
CORAM
THE HONOURABLE MR JUSTICE M.DHANDAPANI

CMA. 2026 of 2017

JAYALAKSHMI
W/O.LATE.P.V.BASKARAN, ALL ARE AT NO.98, BIG
STREET, 65, PALUR VILL & PO, ATHUR,
CHENGALPET TK, KANCHEEPURAM DT

APPELLANT(S)

Vs

THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPORATION,
KANCHEEPURAM.

RESPONDENT(S)

For Appellant(s):

M/S.V.PARIVALLAL

For Respondent(s):

Mr.S.SANTHOSH KUMAR

ORDER

Today the matter is listed under the caption “for being mentioned”.

2. Learned counsel appearing for the appellants submitted that though the appellants have been awarded a sum of Rs.7,82,700/- as compensation to be payable by the respondent Corporation, however, this Court has not fixed the proportionment of the award. Hence, paragraph No.8 of the order dated 18.07.2017 shall stand modified as follows:

“8. The respondent / Transport Corporation is directed



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to deposit the entire amount, along with interest at 7.5% per annum from the date of petition till the date of deposit, as determined by this Court, less the amount already deposited, if any, before the Tribunal, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to transfer 60% of the award in favour of the first appellant and 20% in favour of the second and third appellants respectively along with proportionate interests, directly to the bank account of the respective appellants through RTGS, within a period of two weeks thereafter. Additional Court fee shall be paid by the claimants for the enhanced amount before obtaining the copy of the judgment.

4. Registry is directed to carry out the necessary correction in the order dated 18.07.2017 and issue fresh copy of the order to the learned counsel for the parties.

09.12.2024

RAP

To

1. THE MANAGING DIRECTOR

TAMILNADU STATE TRANSPORT CORPORATION, KANCHEEPURAM.

RAP



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2017

CORAM

THE HONOURABLE Dr.JUSTICE S.VIMALA

C.M.A.No.2026 OF 2017

1.Jayalakshmi
2.Anandan
3.Ramesh

.. Appellants

Vs

The Managing Director,
Tamil Nadu State Transport Corporation,
Kancheepuram.

.. Respondents

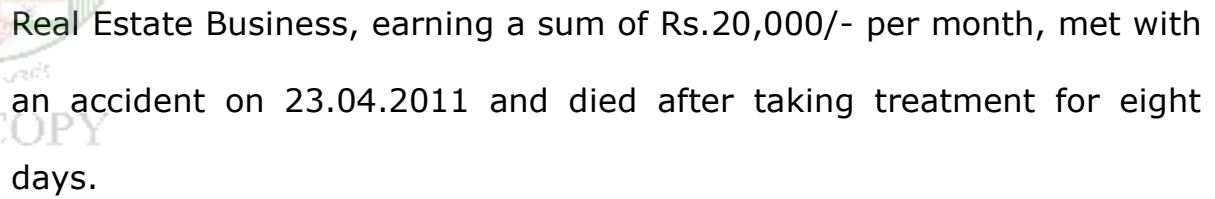
Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 20.03.2017 made in M.C.O.P.No.284 of 2012 on the file of the Motor Accidents Claims Tribunal (2nd Additional District and Sessions Judge, Ranipet, Vellore District).

For Appellants : Mr. V.Parivallal

For Respondent : Mr.S.V.Vasanthakumar

JUDGMENT

The deceased, aged 58 years, Branch Post Master as well as doing



3. It is the grievance of the learned counsel for the appellants that the award under the heads "loss of consortium" and "loss of love and affection" to the claimants are extremely low and therefore, they require enhancement.

5. The medical expenses incurred during the period, when the deceased was alive has been quantified at Rs.31,500/-.



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5.1. Loss of consortium to the first claimant has been awarded at Rs.50,000/-. Awarding Rs.25,000/- towards love and affection for each of the sons, Rs.30,000/- for funeral expenses the total amount of compensation has been arrived at Rs.6,12,700/-.

6. The tribunal has not awarded any amount towards pain and suffering of the deceased while he was alive and hence, a sum of Rs.20,000/- is awarded towards pain and suffering and that amount is awarded towards loss of estate.

6.1.Rs.25,000/- awarded towards loss of love and affection is enhanced from 25,000/- to 1,00,000/- to each of the sons.

6.2.So far as loss of consortium is concerned, the deceased himself was aged 58 years and therefore, the loss of consortium awarded at Rs.50,000/- is reasonable and therefore, the claim for enhancement cannot be considered .

7. In the result, overall compensation is enhanced from 6,12,700/- to (*) **7,82,700/-** which is payable with interest at 7.5% per annum from the date of petition till the date of deposit. This appeal is allowed to the extent indicated above. No costs.

(*)



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Sl.No.	Description	Amount awarded by the Tribunal (Rs.)	Amount awarded by this Court (Rs.)
1	Pecuniary loss	4,51,200	4,51,200
2	Medical Exp.	31,500	31,500
3	Loss of Consortium	50,000	50,000
4	Loss of Love and affection	50,000 (25,000 each)	2,00,000 (1,00,000 each)
5	Loss of Estate		20,000
6	Funeral Exp.	30,000	30,000
	Total	6,12,700	7,82,700/-

8. The respondent/Transport Corporation is directed to deposit the entire award amount, along with interest at 7.5% per annum from the date of petition till the date of deposit, as determined by this Court, less the amount already deposited, if any, before the Tribunal, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to transfer 50% of the award amount along with proportionate interests, directly to the bank account of the appellants /claimants through RTGS, as per proportion fixed by the Tribunal, within a period of two weeks thereafter and the balance 50% of the award amount shall be deposited in any one



of the nationalized banks initially for a period of three years and renewable thereafter. Additional Court fee shall be paid by the claimants for the enhanced amount before obtaining the copy of the judgment.

18.07.2017

Index : Yes/No

Internet : Yes/No

kv/sms

To

1. The Motor Accidents Claims Tribunal
(2nd Additional District and Sessions Judge,
Ranipet, Vellore District).

2. The Section Officer, VR Section,
High Court, Madras.

S.VIMALA,J.

sms/kv



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C.M.A.No.2026 OF 2017

18.07.2017