



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2017

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

C.M.A.No.2472 of 2017

The Managing Director,
Tamil Nadu State Transport
Corporation (Kovai Division-II),
Chennimalai Road,
Erode.

... Appellant / 2nd respondent

versus

1. P.Mahalingam
2. Krishnaveni ...1st and 2nd respondents/Petitioner
3. P.Palaniyandi ... 3rd respondent/1st respondent
(R3 remained ex parte before
the Tribunal)

Prayer : The appeal filed under Section 173 of Motor Vehicles Act, against the Judgment and Decree dated 18.03.2013 made in M.C.O.P.No.177 of 2012 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Gobichettipalayam.

For Appellant : M/s.A.Babu
For R1 and R2 : Mr.Ma.Pa.Thangavel

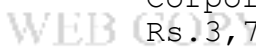
JUDGMENT

This Civil Miscellaneous Appeal has been filed by the Transport Corporation challenging the quantum of compensation awarded in respect of death of minor boy, Abishek, aged 3 ½ years.

2. The parents of the deceased filed a claim petition in M.C.O.P.No.177 of 2012 before the Motor Accident Claims Tribunal, Subordinate Judge, Gobichettipalayam, claiming compensation of Rs.6,00,000/-.

The Tribunal, after considering the oral and documentary evidence, passed an award for a sum of Rs.4,30,000/-, the break-up details of which are as under:

Pecuniary loss and future prospectus	-	Rs.3,75,000/-
Funeral Expenses	-	Rs. 5,000/-
Loss of love and affection	-	Rs. 50,000/-



- Rs.4,30,000/-

4. The learned counsel appearing for respondents 1 and 2 submitted that the compensation awarded by the Tribunal is justifiable and therefore, no interference is required.

(ii) 2010 (1) TNMAC 688 (Jithenderkumar and another vs. Oriental Insurance Company Limited and another), wherein, the Delhi High Court has awarded a sum of Rs.3,75,000/- for the death of the child aged about 3 years, who died in the accident, adhering to the Judgment of the Hon'ble Supreme Court as cited above.

7. A careful consideration of the findings rendered by the Tribunal for awarding the compensation as noted above, this Court is of the considered opinion that the Tribunal has applied its mind while awarding the compensation and the said award cannot in any way be said to be unreasonable or excessive and, accordingly, the same is confirmed.

9. The Transport Corporation is directed to deposit the entire amount of compensation awarded by the Tribunal, less the amount, if any, already deposited, along with interest at the



rate of 7.5% p.a. from the date of petition till the date of deposit, to the credit of claim petition, within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal shall transfer the same directly to the Bank Account of the claimant through RTGS within a period of two weeks thereafter.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

ogy/GLN

To

1. The Subordinate Judge,
Motor Accident Claims Tribunal,
Gobichettipalayam.
2. The Section officer
VR Section, High Court, Madras(2 copies)

C.M.A.No.2472 of 2017

BR(CO)
SP(10/04/2018)