

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.02.2017

C O R A M

The Honourable **Mr.Justice S.Manikumar**
and
The Honourable **Mr.Justice M.Govindaraj**

Civil Miscellaneous Appeal No.684 of 2017
and
C.M.P.No.3823 of 2017

The Managing Director
Tamil Nadu State Transport Corporation Ltd
Villupuram Division III
GWT Road Ponnerikarai
Kancheepuram

... Appellant

Vs

1.Ambika
2.Manjula
3.Shobana
4.Sandhya (minor)
5.Surya (minor)
6.Kannammal
(Minor 4th and 5th respondents are
rep. by their mother & N.F. Ambika,
1st respondent)

... Respondents

Prayer: Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 06.03.2015, passed in M.C.O.P.No.282 of 2014, by the Motor Accident Claims Tribunal (II Small Causes Court), Chennai

For Appellant : Mr.J.Lokesh

J U D G M E N T

(Made by S.Manikumar,J)

Challenge in this appeal is to the judgment and decree made in M.C.O.P.No.282 of 2014, dated 21/01/2014, on the file of the the Motor Accident Claims Tribunal (II Judge, Court of Small Causes), Chennai.

2. In the accident, which occurred on 26.05.2010 at 4.00 a.m on Villupuram to Chennai on GST Road, near Padalam Junction (Palayanur Village), conductor of the State Transport Corporation bus bearing Registration No.TN 21 N 1141, died. Legal representatives, wife, 2 major and 2 minor daughters, and mother of the deceased, filed M.C.O.P. No.282 of 2014 before the Motor Accident Claims Tribunal (II Judge, Court of Small Causes), Chennai.

3. On evaluation of pleadings and evidence, the Tribunal awarded compensation of Rs.20,47,480/- with interest at the rate of 7.5% per annum from the date of claim till realisation and costs, as hereunder:

Loss of contribution to the family	: Rs.15,72,480/-
Loss of consortium	: Rs. 1,00,000/-
Funeral Expenses	: Rs. 25,000/-
Loss of love and affection to the daughters and mother	: Rs. 2,50,000/-
Loss of Estate	: Rs. 1,00,000/-
Total	: Rs. 20,47,480/-

4. Though Mr.J.Lokesh, learned counsel for the appellant/Transport Corporation, submitted that the Tribunal has erred in awarding excess compensation of Rs.1,00,000/- under the head loss of estate and sought for intervention, this court is not inclined to do so, for the reason that excess compensation if any, awarded under the said head, can be adjusted against lesser compensation awarded under the head, loss of love and affection. At the time of accident, minor daughters Sandhya and Surya, were 17 years and 15 years respectively. They have lost the love and affection but also, the guidance from their father. From the material on record, it could be deduced that the two daughters were also unmarried. Overall quantum of compensation awarded to the legal representatives, cannot be said to be on the higher side, warranting interference.

5. In the light of the above discussion, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed. The Managing Director, Tamil Nadu State Transport Corporation, Villupuram Division III, Kancheepuram, is directed to deposit the entire award amount with proportionate accrued interest and costs, less the statutory deposit to the credit of M.C.O.P.No.282 of 2014, on the file of Motor Accident Claims Tribunal (II Judge, Court of Small Causes), Chennai, within a period of four weeks from the date of receipt of a copy of this judgment.

6. Registry is directed to send a copy of this judgment to the Motor Accident Claims Tribunal (II Judge, Court of Small Causes), Chennai. The Tribunal shall display the same, in the notice Board that C.M.A.No.684 of 2017 filed by the Tamil Nadu State Transport Corporation Limited, Villupuram Division III, Kancheepuram, against the legal representatives of the deceased, has been dismissed with a direction to deposit the entire award amount with proportionate interest and cost, to the credit of M.C.O.P.No.282 of 2014, on the file of Motor Accident Claims Tribunal (II Judge, Court of Small Causes), Chennai, within a period of four weeks, from the date of receipt of a copy of this judgment. Motor Accident Claims Tribunal is further directed to mention M.C.O.P number also in such notice. Tribunal is directed, to disburse the amount only on proper identification and proof.

(S.M.K.,J) (M.G.R.,J)
27.02.2017

Index : yes/No
website : Yes/No.
ASR

To

- 1.The Motor Accident Claims Tribunal, II Judge,
Court of Small Causes, Chennai.
- 2.The Managing Director
Tamil Nadu State Transport Corporation
Villupuram Division III
GWT Road Ponnerikarai
Kancheepuram

S.MANIKUMAR,J

a n d

M.GOVINDARAJ,J

asr.

C.M.A.No.684 of 2017

27/2/2017
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