



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 14.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CMA(MD) .No.1127 of 2017

and

CMP(MD)No.11440 of 2017

Tamil Nadu State Transport Corporation Ltd.,
through its the Managing Director,
Nasamani Nagar, Agastheeswaram Taluk,
Nagercoil, Kanyakumari District. ... Appellant/Respondent

Vs.

- 1.Kannagi
- 2.Jothi (Minor)
- 3.Aswin (Minor)

(The respondents 2 and 3 are
Minors represented by their Mother
and next friend, first respondent herein)

.... Respondents 1 to 3/
Petitioners

- 4.Sivamoorthy

(Fourth respondent Driver of the appellant
and ex parte in the tribunal hence
notice is given up)

... 4th Respondent/1st Respondent

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act 1988, against the Award and Decree made in M.C.O.P.No.168 of 2013 dated 20.01.2015 on the file of the Motor Accident Claims Tribunal/ Chief Judicial Magistrate Court, Kanyakumari District, Nagercoil.

For Appellant : Mr.M.Prakash

JUDGMENT

The Transport Corporation has filed this appeal questioning the impugned award only on the ground of quantum.

<https://hcservices.ecourts.gov.in/hcservices/>

2. One Manoharan, working as a conductor in the appellant



Transport Corporation died in an accident involving the bus belonging to the appellant Transport Corporation. His wife and children filed M.C.O.P.No.168 of 2013 on the file of the Motor Accident Claims Tribunal/ Chief Judicial Magistrate Court, Kanyakumari District, Nagercoil.

3. The deceased was aged about 50 years. The Tribunal applied the multiplier 13, which is the correct one. Since the deceased was working as a conductor in the appellant Corporation itself, there cannot be any dispute regarding the salary. Future prospects was rightly added. The Tribunal after applying the relevant formula, passed an award for a sum of Rs.28,89,000/-. There is absolutely no justification in interfering the same.

4. I therefore confirm the award dated 20.01.2015 in M.C.O.P.No.168 of 2013 on the file of the Motor Accident Claims Tribunal/ Chief Judicial Magistrate Court, Kanyakumari District, Nagercoil.

5. The appellant Transport Corporation is directed to deposit the compensation amount of Rs.28,89,000/- with interest at the rate of 7.5% per annum and costs, from the date of petition till the date of realization, within a period of twelve weeks from the date of receipt of a copy of this judgment, less the amount already deposited, if any. On such deposit, the first claimant is permitted to withdraw her shares as apportioned by the Tribunal, less the amount already withdrawn by her, if any by filing proper petition before the Tribunal. The share of the minor claimants shall be deposited in any one of the Nationalised Bank in an interest bearing account and the natural guardian/mother of the minor claimants is permitted to withdraw the accrued interest once in three months directly from the bank, only for the welfare of minor claimants, till they attain majority.

6. This Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, C.M.P.(MD).No.11440 of 2017 is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-IV)



To

The Chief Judicial Magistrate,
The Motor Accident Claims Tribunal,
Kanyakumari District, Nagercoil.

+1 CC to Mr.M.PRAKASH, Advocate in SR.No.92787

Copy to:-

The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

KMI

RJ/PN/SAR-4/26/07/2018 - 3P/5C

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