



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2017

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CMA (MD) No. 1061 of 2016
and
CMP (MD) No. 9498 of 2016

The Managing Director,
Tamil Nadu State Transport
Corporation Madurai Limited,
Tirunelveli.

... Appellant

Vs.

1. M. Jayakumar

2. J. Prema

... Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 20.04.2016 made in MCOP.No.99 of 2006 on the file of the Motor Accident Claims Tribunal, (Sub Court), Periyakulam.

For Appellant

: Mr. P. Prabhakaran

For Respondent

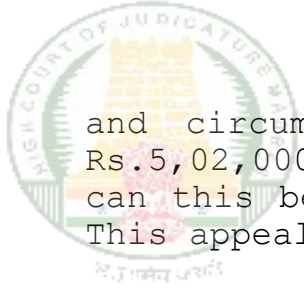
: Mr. D. Malaichamy

JUDGMENT

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

2. The deceased Muthu / minor child died in the accident that took place on 30.12.2015. The deceased was going to send off his Aunt in the Mallampatti bus stop. At that time, the bus belonging to the appellant corporation came from West to East and driven in a rash and negligent manner, dashed against the said Muthu. In the resulting accident, the deceased Muthu suffered grievous injuries and he was taken to Madurai Rajaji Government Hospital. But, he was declared brought dead. Crime No. 857 of 2005 was registered against the bus driver employed by the appellant corporation. The Tribunal awarded a sum of Rs. 5,02,000/-. Contending that this is excessive, this appeal has been filed.

3. The claimants lost their minor child. He was studying in 1st Standard. Considering the death of the minor child and the facts



and circumstances of the case, the Tribunal awarded a sum of Rs.5,02,000/- towards compensation. By no stretch of imagination, can this be said to be excessive. I find no merit in this appeal. This appeal is liable to be dismissed.

4.The award dated 20.04.2016 made in MCOP.No.99 of 2006 on the file of the Motor Accident Claims Tribunal, Sub Court, Periyakulam is confirmed.

5.The appellant transport corporation is directed to deposit the entire compensation as awarded by the Tribunal, with interest at the rate of 7.5% per annum from the date of petition till the date of realization and costs, within a period of eight weeks from the date of receipt of a copy of this order, less the amount already deposited, if any. On such deposit, the claimants are entitled to withdraw their share as apportioned by the Tribunal, by filing proper application, less the amount already withdrawn by them, if any.

6.This Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1.The Subordinate Judge,
Motor Accident Claims Tribunal,
Periyakulam.

2.The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.(2 Copies)

+1CC to Mr.D.Malaichamy Advocate in SR.No.93255,
+1CC to Mr.P.Prabhakaran Advocate in SR.No.93101.

SKM

DS/JC/SAR-3 :13.06.2018: 2P/6C

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