



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.1186 of 2017
and
C.M.P. (MD) .No.11765 of 2017

Tamil Nadu State Express Transport Corporation,
Chennai.

Through its Managing Director ... Appellant/1st respondent

Vs.

1.Amutha

2.Minor Visali

3.Minor Priyadharsini

(The minor respondents 2 and 3 are represented by their
mother, the first respondent)

4.Saroja ... Respondent 1 to 4/Petitioner

5.Joseph ... 5th Respondent/Respondent No.2

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988,
against the award dated 18.04.2017 made in M.C.O.P.No.346 of 2012 on
the file of the Motor Accident Claims Tribunal/Additional District
Court, Kumbakonam.

For Appellant : Mr.P.Prabhakaran
For R-1 to R-4 : Mr.R.Prakash

J U D G M E N T

The Tamil Nadu State Express Transport Corporation has filed
this appeal questioning the impugned award on the grounds of
<https://hcservices.mca.gov.in/hcservices/w> well as quantum. One Raman was standing in
Edamalaipatti-Puthur Road on 26.08.2011. The bus belonging to the



appellant Transport Corporation hit him. The Tribunal fastened the entire negligence on the driver, employed by the appellant Corporation. The said finding is based on credible material and proper reasoning. It does not warrant any interference.

2.Coming to quantum, the occurrence took place in the year 2011. The deceased was working as agricultural coolie and as well as Electrician. Therefore, the Tribunal rightly took the monthly income as Rs.6,500/-. However, it erred in adding 50% towards future prospects. As per the recent decision of the Hon'ble Supreme Court in Special Leave Petition (Civil) No.25590 of 2014 (National Insurance Co. Ltd vs. Pranay Sethi), the addition of future prospects in such cases can only be 40%. Therefore, the compensation payable to the claimants will have to be reworked as under:-

Sl.No	Heads	Amount in Rupees
1.	Pecuniary loss for the family	Rs.13,92,300/-
2.	Loss of consortium for the wife	Rs.40,000/-
3.	Loss of love and affection for minor children	Rs.80,000/-
4.	Loss of love and affection for mother	Rs.20,000/-
5.	For funeral expenses	Rs.15,000/-
6.	For loss of estate	Rs.15,000/-
	Total	Rs.15,62,300/-

3.The compensation awarded by the Tribunal is reduced from Rs.16,76,852/- to Rs.15,62,300/-.

4.The appellant Transport Corporation is directed to deposit the entire compensation amount of Rs.15,62,300/- 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 order, less the amount already



deposited, if any. On such deposit, the first and the fourth respondents/claimants are permitted to withdraw their respective shares as apportioned by the Tribunal, less the amount already withdrawn by them, 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.

5.The Civil Miscellaneous Appeal is partly allowed. The award dated 18.04.2017 made in M.C.O.P.No.346 of 2012 on the file of the Motor Accident Claims Tribunal/Additional District Court, Kumbakonam is modified, accordingly. No costs. Consequently, C.M.P. (MD).No.11765 of 2017 is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

The Additional District Court,
The Motor Accident Claims Tribunal,
Kumbakonam.

Copy to

The Section Officer, Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+2cc to M/S.R.PRAKASH, Advocate SR.No.93594.
+1cc to M/S.P.PRABHAKARAN, Advocate SR.No.93676.

C.M.A. (MD) No.1186 of 2017
19.12.2017