



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2027

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

C.M.A. (MD) Nos.1090 to 1092 of 2015 and 21 to 23 of 2016  
and  
C.M.P. (MD) .Nos.331 to 333 of 2016

1.Selvi @ Ponmani Selvi

2.Mani

3.Minor Iswaryar

(Minor Iswaryar is represented  
by his natural guardian and mother  
1<sup>st</sup> appellant)

... Appellants in C.M.A.  
1090/2015 &  
respondents in C.M.A.  
21 of 2016

1.Rani

2.Rathinasamy

... Appellants in C.M.A.  
1091/2015 &  
respondents in C.M.A.  
22 of 2016

1.Periyakkal

2.Minor Surya

3.Minor Thiyagarajan

(Minors are represented by their  
natural guardian and mother  
1<sup>st</sup> appellant herein)

4.Kanniammal

... Appellants in C.M.A.  
1092/2015 &  
respondents in C.M.A.  
23 of 2016

Vs.

The Managing Director,  
Tamil Nadu State Transport  
Corporation Ltd.,  
Periyamilaguparai,  
Trichy - 1.

... Respondents in C.M.As  
1090 to 1092/2015 &  
Appellants in C.M.A.21  
to 23/2016

Prayer: These Civil Miscellaneous Appeals are filed under Section 173 of the Motor Vehicles Act, against the judgments and decrees dated 05.03.2015 in M.C.O.P.No.1720, 1721 and 1722 of 2013 on the file of the Motor Accidents Claims Tribunal/Special District Court, Trichirappalli.



For Appellants in C.M.A.  
1090-1093/2015 & respondents  
in C.M.As.21 to 23 of 2016 : Mr.N.Sudhakar Nagaraj

For Respondents in  
C.M.As.1090 - 1093/15  
and appellants in C.M.A.  
21 to 23/2016 : Mr.P.Prabakaran

COMMON JUDGMENT

Heard the learned counsel on either side.

2.The accident involving a two wheeler and the bus belonging to the Tamil Nadu State Transport Corporation, Trichy took place on 21.08.2012. In the two wheeler three persons were riding. All the three died. Therefore, three claim petitions were filed. They were disposed of by a common award dated 05.03.2015 in M.C.O.P.No.1720, 1721 and 1722 of 2013 on the file of the Motor Accidents Claims Tribunal/Special District Court, Trichirappalli. Seeking enhancement, three appeals have been filed by the claimants. Questioning the award of compensation on the ground of quantum, the Transport corporation has filed three appeals. Both are heard together.

3.Though the petitions were filed under Section 163A of the Motor Vehicles Act, the Tribunal has given a finding that the accident took place on account of the rash and negligent driving of the bus driver employed by the transport corporation. In any event, in view of the fact that the petitions have been filed under Section 163 A of the Act, the annual income will have to be taken as 40,000/-. Therefore, the compensation payable in the respective cases will have to be re-worked as follows :

MCOP.No.1720 of 2013 / CMA(MD)No.1090 of 2015 :

The deceased Sathiyaraj was a bachelor. Therefore, the pecuniary loss will have to be taken as 20,000x18=3,60,000/-

| Sl.No. | Heads                          | Amount in Rupees |
|--------|--------------------------------|------------------|
| 1.     | Pecuniary loss                 | Rs.3,60,000/-    |
| 2.     | For loss of love and affection | Rs.30,000/-      |
| 3.     | Funeral expenses               | Rs.15,000/-      |
| 4.     | Transportation expenses        | Rs.5,000/-       |
|        | Total                          | Rs.4,10,000/-    |

4.The award dated 05.03.2015 in M.C.O.P.No.1720 of 2013 on the file of the Motor Accidents Claims Tribunal/Special District Court, Trichirappalli is accordingly modified. The claimants are entitled to a sum of Rs.4,10,000/-. The third claimant is only the sister. She is entitled to a sum of Rs.10,000/-. The appellants 1 and 2 are entitled to get a sum of Rs.2.00 lakhs each.



5.The respondent corporation is directed to deposit the entire compensation amount with interest at the rate of 7.5% per annum with 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 the same, by filing proper application before the Tribunal, less the amount already withdrawn by them, if any.

MCOP.No.1721 of 2013 / CMA(MD)No.1091 of 2015 :

The claimants in this case are parents of the deceased. The deceased Namachivayam was aged about 22 years. He was also a bachelor. Therefore, in this case also the pecuniary loss will have to be taken as  $20,000 \times 18 = 3,60,000/-$

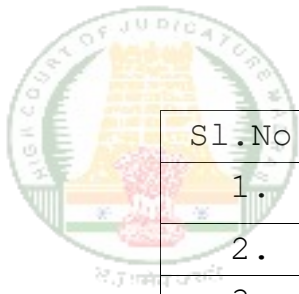
| Sl.No. | Heads                          | Amount in Rupees |
|--------|--------------------------------|------------------|
| 1.     | Pecuniary loss                 | Rs.3,60,000/-    |
| 2.     | For loss of love and affection | Rs.30,000/-      |
| 3.     | Funeral expenses               | Rs.15,000/-      |
| 4.     | Transportation expenses        | Rs.5,000/-       |
|        | Total                          | Rs.4,10,000/-    |

2.The award dated 05.03.2015 in M.C.O.P.No.1721 of 2013 on the file of the Motor Accidents Claims Tribunal/Special District Court, Trichirappalli is accordingly modified.

3.The respondent corporation is directed to deposit the entire compensation amount with interest at the rate of 7.5% per annum with 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 the same as apportioned by the Tribunal, by filing proper application, less the amount already withdrawn by them, if any.

MCOP.No.1722 of 2013 / CMA(MD)No.1092 of 2015 :

The deceased Karuppaiya was working as a Mason. He was aged about 33 years. The multiplier 16 has to be adopted. Since the deceased had 4 dependents, the deduction has to be one fourth. The annual income of the deceased will be taken as Rs.40,000/-. After deducting one fourth income a sum of Rs.30,000/- will be available for the family. Applying multiplier 16, the pecuniary loss and amount of compensation under other heads will be re-worked as follows :



| Sl.No. | Heads                                                           | Amount in Rupees |
|--------|-----------------------------------------------------------------|------------------|
| 1.     | Pecuniary loss - 16x3000                                        | Rs.4,80,000/-    |
| 2.     | For loss of consortium                                          | Rs. 40,000/-     |
| 3.     | For loss of love and affection for others, for each Rs.20,000/- | Rs.60,000/-      |
| 4.     | Funeral expenses                                                | Rs. 15,000/-     |
| 5.     | Transportation charges                                          | Rs. 10,000/-     |
| 6.     | For loss of estate                                              | Rs. 15,000/-     |
|        | Total                                                           | Rs.6,20,000/-    |

2.The award dated 05.03.2015 in M.C.O.P.No.1722 of 2013 on the file of the Motor Accidents Claims Tribunal/Special District Court, Trichirappalli is accordingly modified. The fourth claimant / mother is entitled to a sum of Rs.1,20,000/- with interest. The wife of the deceased is entitled a sum of Rs.2,00,000/-. Two Minor children are entitled to a sum of Rs.1.50 lakhs each.

3.The respondent corporation is directed to deposit the entire compensation amount with interest at the rate of 7.5% per annum with cots, within a period of eights 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 the same, by filing proper application, less the amount already withdrawn by them, if any.

4.The Civil Miscellaneous Appeals filed by the claimants are partly allowed. The appeals filed by the transport corporation stand dismissed. Consequently, all the connected miscellaneous petitions are closed. No costs.

*Sd/-*

*Assistant Registrar(CSIII)*

*/True Copy/*

*Sub-Assistant Registrar*

To  
Motor Accidents Claims Tribunal/  
Special District Court, Trichirappalli.

Copy to:-

The Record Keeper, Vernacular Section,  
Madurai Bench of Madras High Court, Madurai.

+One cc to M/s.N.Sudhagar Nagaraj, Advocate, SR.No.85478

+3 ccs to Mr.P.Prabhakaran, Advocate, SR.Nos.85461,85462,85463  
skm

RL/7C/4P/SKN/RSK/SAR1/21/12/2017 C.M.A. (MD)Nos.1090 to 1092 of 2015  
and 21 to 23 of 2016