



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD)No.1123 of 2016

1.Seethalakshmi

2.Minor.Samuvel Mano

3.Banumathi

(Minor Appellant No.2 represented through his Mother and next guaridan 1st appellant herein)

... Appellant

Vs.

Tamil Nadu State Transport Corporation Ltd.,
Through its Managing Director,
By pass Road,
Madurai

... Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, against the judgment and Decree made in M.C.O.P.No.1195 of 2013 on the file of the Motor Accident Claims Tribunal, (3rd Additional District Court) Tirunelveli, dated 08.10.2014.

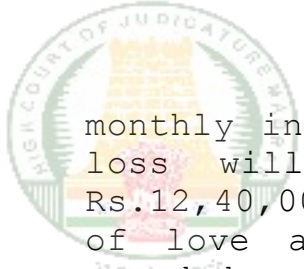
For Appellant : Mr.T.Selvakumaran

For Respondents : Mr.P.Prabhakaran

JUDGMENT

The claimant has filed this Civil Miscellaneous Appeal, seeking enhancement of the compensation.

2.The deceased was one Mr.Prabhu, he was aged 23 years at the time of accident. He was working as a House Keeping Managed and he was also doing part time job as cashier in Sankar Agency at Vannarpet. The accident took place on 07.09.2013. The offending vehicle belonged to respondent /Transport Corporation. The monthly income of the deceased can be notionally fixed at Rs.6,500/-. Considering the age of the deceased, 40% future prospects will have to be added. Since there are three dependants, one third deduction has to be made. Therefore the



monthly income for the family will be Rs.6,060/-. The pecuniary loss will be Rs.12,37,000/-. This can be rounded off to Rs.12,40,000. The funeral expenses, the loss of estimate and loss of love and affection a further sum of Rs.1,04,000/- can be awarded. Therefore the compensation payable to the claimants will be Rs.13,44,000. The value of the appeal is limited to Rs.3,00,000/-

3. Therefore the compensation awarded by the Tribunal is enhanced from Rs.10,44,000/- to Rs.13,44,000/-. The award dated 08.10.2014 made in M.C.O.P.No.1195 of 2013 on the file of the Motor Accident Claims Tribunal, (3rd Additional District Court) Tirunelveli is modified, accordingly.

4. The respondent / Transport Corporation is directed to deposit the entire compensation amount with interest at the rate of 7.5% per annum with costs, from the date of petition till the date of realization, 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, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal. The share of the second minor claimants shall be deposited in any one of the Nationalised Bank. The natural guardian of the first appellant is permitted to withdraw the interest there from once in three months directly from the Bank.

5. This Civil Miscellaneous Appeal is allowed as indicated above. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Motor Accident Claims Tribunal,
(3rd Additional District Court),
Tirunelveli.

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

+1 cc to M/S.P.Prabhakaran, Advocate SR No.88993

+2 cc to M/S.T.Selvakumaran, Advocate SR Nos.89163, 89386

C.M.A. (MD) No.1123 of 2016

23.11.2017