



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.1120 of 2015

and

M.P.(MD) No.1 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam.

... Appellant/Respondent.

Vs.

- 1.Lakshmi
- 2.Minor Karthigha
- 3.Minor Kavitha
- 4.Minor Durga Devi
- 5.Minor Iswariya

(Minor respondents 2 to 5 are represented
by their mother, the 1st respondent Lakshmi)

- 6.Kanagammal
- 7.Dhanalakshmi

... Respondents/Petitioners.

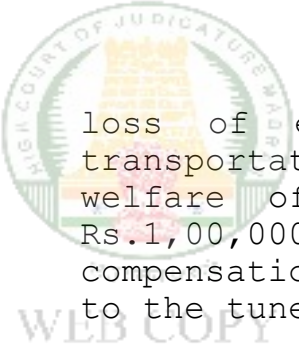
Prayer: This Appeal is filed under Section 173 of the Motor Vehicles Act, to set aside the judgment and decree made in M.C.O.P.No.79 of 2014 dated 06.04.2015 on the file of the Motor Accidents Claims Tribunal/Chief Judicial Magistrate, Thanjavur @ Kumbakonam.

For Appellant	: Mr.P.Prabhakaran
For Respondents	: No Appearance for R1 to R7

JUDGMENT

The Tamil Nadu State Transport Corporation, Kumbakonam challenges the award dated 06.04.2015 made in M.C.O.P.(MD) No.79 of 2014 on the file of Motor Accidents Claims Tribunal/Chief Judicial Magistrate, Thanjavur @ Kumbakonam on the ground of quantum.

2.The respondents herein are the claimants. The husband of the first respondent herein was driving his three wheeler when the bus belonging to the appellant corporation dashed against it. The accident took place on 28.09.2010. He died enroute to the hospital. The Tribunal rightly fixed the negligence on the driver of the appellant corporation. The appellant was aged about 35 years at the time of accident. Monthly income including future prospects was fixed at Rs.6,750/-. Therefore, applying multiplier of 16, the pecuniary loss would come to Rs.9,72,096/-. For funeral expenses,



loss of estate, loss of consortium and love and affection, transportation charges were rightly awarded. However, for the welfare of children and future education expenses, a sum of Rs.1,00,000/- has been awarded. There is no basis for awarding such compensation. Therefore, the compensation awarded by the Tribunal to the tune of Rs.12,77,096 is reduced to Rs.11,77,096.

3. Accordingly, the award dated 06.04.2015 made in M.C.O.P.(MD) No.79 of 2014 on the file of Motor Accidents Claims Tribunal/Chief Judicial Magistrate, Thanjavur @ Kumbakonam is modified and the appellant is directed to deposit the entire compensation amount within 12 weeks from the date of receipt of a copy of this order along with interest @ 7.5.% per annum and costs from the date of petition till the date of realization, less the amount already deposited, if any. The claimants are entitled to withdraw the said amount, less the amount already withdrawn by them, if any, as apportioned by the Tribunal, by filing proper application before the Tribunal.

4. The Civil Miscellaneous Appeal is partly allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar.

To

Motor Accidents Claims Tribunal/Chief Judicial Magistrate,
Thanjavur @ Kumbakonam.

Copy to:

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

+1CC to Mr.P.Prabhakaran, Advocate, SR.No. 84053

C.M.A. (MD) No.1120 of 2015

and

M.P. (MD) No.1 of 2015

27.10.2017

Arul

AM/KK/SAR 2/23.11.2017/2P/4C

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