



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CMA(MD)No.1154 of 2014

1.J.Jayalakshmi

2.P.Jegadheesan

... Appellants/Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
No.27, Railway Station New Road,
Kumbakonam, Periyamilaguparai,
Trichy.

... Respondent/Respondent

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 25.11.2011 made in MCOP.No.356 of 2010 on the file of the Motor Accident Claims Tribunal, (District Judge), Karur.

For Appellants

: Mr.T.Selvakumaran

For Respondent

: Mr.D.Sivaraman

JUDGMENT

The claimants have filed this appeal seeking enhancement of compensation awarded to them.

2.The deceased Manikandam @ Balamuralikrishnan died in an accident involving the bus belonging to the respondent corporation. The Tribunal after an appreciation of the evidence on record, fastened 30% negligence on the deceased and 70 % negligence on the driver employed by the respondent corporation. It finally awarded a sum of Rs.2,61,000/- to the claimants as compensation. Contending that this is inadequate, this appeal has been filed.

3.The deceased was aged 33 years. He was running a two wheeler mechanic shop. But, no income proof was filed. The



accident took place in the year 2010. Therefore, the monthly income can be taken as Rs.5,500/-. After adding 40% future prospects, the monthly income of the deceased will be Rs.7,700/- Even though the age of the deceased was 33 years, he died as a bachelor. Since the deceased was a bachelor, 50% deduction will have to be made. Therefore, the pecuniary loss for the family would come to Rs.7,39,200/-. A further sum of Rs.70,000/- has to be awarded towards damages under other conventional heads.

4.Thus, the compensation payable to the claimants would come to Rs.8,09,200/-. The award dated 25.11.2011 made in MCOP.No.356 of 2010 on the file of the Motor Accident Claims Tribunal, District Judge, Karur is modified.

5.Since 30% negligence was fastened on the deceased, the compensation payable to the claimants will be Rs.5,66,440/-. The respondent transport corporation is directed to deposit the entire compensation 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.

8.This Civil Miscellaneous Appeal is partly allowed. No costs.

Sd/

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1.The District Judge /
Motor Accident Claims Tribunal, Karur.

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

+1cc to Mr.D.SIVARAMAN, Advocate, SR.No.93086

+1cc to Mr.T.SELVAKUMARAN, Advocate, SR.No.93457

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