



.BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2017

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.1149 of 2015

1.Kulanthai Theras Praba
2.Jeevanantham
3.Mariya Selvi

... Appellants/Petitioners

Vs.

The General Manager,
Tamil Nadu State Transport
Corporation Limited,
Kumbakonam Limit,
Pudukottai.

... Respondent/Respondent

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.142 of 2014 dated 31.07.2015 on the file of the Motor Accidents Claims Tribunal Court, Ramanathapuram.

For Appellants	: Mr.J.M.Hassanul Bazari
For Respondent	: Mr.D.Sivaraman

JUDGMENT

Heard the learned counsel on either side.

2.This appeal has been filed by the claimants seeking enhancement of the compensation awarded by the Tribunal made in M.C.O.P.No.142 of 2014 dated 31.07.2015 on the file of the Motor Accidents Claims Tribunal Court, Ramanathapuram.

3.The first claimant is the wife of the deceased. The other two claimants are the parents. Arockia Robin was riding his two-wheeler on 06.02.2012 when the bus belonging to the respondent Corporation dashed against the two-wheeler and in the ensuing accident Arockia Robin died. Crime No.21 of 2012 was registered against the driver of the respondent Corporation. Considering the materials on record, the Tribunal fixed the negligence on the driver of the respondent Corporation. The said finding has become final. There is no challenge in the said finding.

4.The Tribunal awarded a sum of Rs.10,80,000/- with 7.5% interest. Due apportionment was also made. The appellants would contend that this amount is not adequate. The Tribunal fixed the monthly income at Rs.4500/-. Taking into account the future

prospect the total monthly income was taken as Rs.6,750/-. The learned counsel for the appellant would contend that monthly income should have been fixed on the higher side. I am of the view that the monthly income including future prospects can be fixed at Rs.8,500/-. The pecuniary loss would then come to Rs.8,500X12X16X2/3=Rs.10,88,000/-. A sum of Rs.25,000/- can be awarded towards funeral expenses. A sum of Rs.25,000/- can be awarded towards damages to clothes, articles and the two-wheeler. For loss of consortium for his wife, a sum of Rs.1,00,000/- can be awarded. For loss of love and affection for his parents a sum of Rs.1,00,000/- can be awarded. For transportation expenses Rs.5,000/- can be awarded. Therefore, the compensation payable to the claimants is re-worked as under :

Sl.No	Heads	Amount in Rupees
1.	Pecuniary Loss Rs.8,500X12X16X2/3	Rs. 10,88,000/-
2.	Funeral expenses	Rs. 25,000/-
3.	Damages to clothes, articles and the two-wheeler	Rs. 25,000/-
4.	loss of consortium for his wife	Rs. 1,00,000/-
5.	loss of love and affection for his parents	Rs. 1,00,000/-
6.	For Transportation Expenses	Rs. 5,000/-
	Total	Rs. 13,43,000/-

5.The compensation awarded by the Tribunal is enhanced from Rs.10,80,000/- to Rs.13,43,000/-. The respondent/Corporation is directed to pay the award amount of Rs.13,43,000/- with interest at 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. The claimants are permitted to withdraw the entire amount as apportioned by the Tribunal, less the amount already withdrawn by them, if any. The award made in M.C.O.P.No.142 of 2014 dated 31.07.2015 on the file of the Motor Accidents Claims Tribunal Court, Ramanathapuram is modified as indicated above. This Civil Miscellaneous Appeal is partly allowed. No costs.

Sd/-
Assistant Registrar

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To

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1.The Motor Accidents Claims Tribunal Court,
Ramanathapuram.

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

+One cc to Mr.J.M.Hassanul Bazari, Advocate, SR.No.84714

+One cc to Mr.D.Sivaraman, Advocate, SR.No.84449

tsg

RL/5C/3P/KK/SAR1/12/12/2017

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