



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.1161 of 2015

1.Tamil Selvi
2.Subramanian
3.Seethalakshmi
4.Sangeetha
5.Ramakrishnan

... Appellants/Petitioners

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation,
Bye Pass Road,
Madurai.

... Respondent/Respondent.

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and degree dated 10.04.2015 made in M.C.O.P No.117/2013 on the file of the Motor Accidents Claims Tribunal/Special District Judge for MCOP cases, Madurai.

For Appellant : Mr.A.K.Manickam
For Respondents : Mr.P.Prabhakaran

JUDGMENT

Heard the learned counsel on either side.

2.The injured claimants have filed this Civil Miscellaneous Appeal seeking enhancement of the compensation awarded by the Tribunal by order dated 10.04.2015 made in M.C.O.P No.117/2013 on the file of the Motor Accidents Claims Tribunal/Special District Judge for MCOP cases, Madurai.

3.The son of the first and second appellants died in the accident involving the bus belonging the respondent corporation. The accident took place on 09.01.2013. The deceased was riding his two wheeler when on account of the rash and negligent driving of the driver employed by the respondent corporation the accident occurred. The Tribunal has given a finding that the bus driver was solely responsible for the accident. The said finding has become final. The only issue raised is regarding the adequacy of the compensation paid to the claimants.

4.The deceased was M.E. First year college going student. He was a student in Thiagarajar College of Engineering, Madurai. It is a reputed institution. Therefore, one can safely assume that the deceased was an intelligent student who would make it good in life. Therefore, considering his educational background, the monthly income of the deceased can be notionally fixed at Rs.12,000/-. Since he was a bachelor, a sum of Rs.6,000/- would be available for the family. Therefore, the compensation payable to the claimants will have to be reworked as follows :

Sl.No.	Heads	Amount in Rs.
1.	Pecuniary loss 6000x12x18	Rs.12,96,000/-
2.	Funeral expenses	Rs.15,000/-
3.	Loss of estate	Rs.4,000/-
4.	Loss of love and affection	Rs.1,00,000/-
5.	Transport expenses	Rs.10,000/-
	Total	Rs.14,25,000/-

5.The compensation payable to the claimants is enhanced from Rs.6,70,000/- to Rs.14,25,000/-. The award 10.04.2015 made in M.C.O.P No.117/2013 on the file of the Motor Accidents Claims Tribunal/Special District Judge for MCOP cases, Madurai is accordingly modified.

6.The respondent transport corporation is directed to deposit the entire compensation amount with interest at the rate of 7.5% per annum from the date of petition till 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 the same by filing proper application before the Tribunal, less the amount already withdrawn by them, if any. The petitioners 3 to 5 are entitled to get a sum of Rs.20,000/- each. The remaining amount of compensation has to be shared equally between the first and second claimants.

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

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar.



To

The Motor Accidents Claims Tribunal/
Special District Judge for MCOP cases, Madurai.

Copy to:

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

+1CC to Mr.A.K.Manickam, Advocate, SR.No. 85416

+1CC to Mr.P.Prabhakaran, Advocate, SR.No. 85464

C.M.A. (MD) No.1161 of 2015
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