



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.123 of 2016

and

C.M.P. (md) .No.2020 of 2016

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

... Appellant/Respondent

Vs.

1.R.Selvam
2.R.Sasi Rekka
3.R.Lavanya
4.R.Murugavel

... Respondents/Petitioners

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the judgment and decree dated 29.10.2014 made in M.C.O.P.No.3764 of 2013, on the file of the Motor Accident Claims Tribunal/Special District Court, Tiruchirappalli.

For Appellant : Mr.P.Prabhakaran

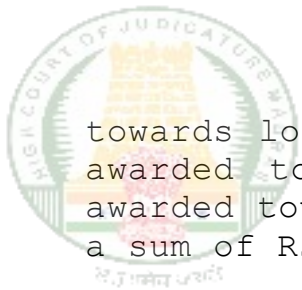
For Respondents : Mr.C.Vakeeswaran for R1 to R4

JUDGMENT

Heard the learned counsel on either side.

2.The Transport Corporation has filed this appeal questioning the impugned award on the ground of quantum. The deceased Ramachandran, was working as a Lecturer in an aided Private college at Trichy. He was walking on the road on 10.03.2006 when he was hit by the bus belonging to the appellant Corporation. The accident took place on 10.03.2006. He was aged about 51 years at the time of the accident. The salary slip marked by the claimants shows that he was earning a sum of Rs.21,605/- at the time of his death. His dependants comprised his wife and three children. The daughters and son of the deceased had already attained majority at the time of the accident.

3.I am of the view that the deduction towards personal expenses has to be 1/3rd and not 1/4th. Admittedly, the deceased was having a permanent job. Therefore, 15% future prospects can be added. The pecuniary loss to the family will have to be computed as follows. A sum of Rs.21,25,200/- can be awarded towards pecuniary loss. A sum of Rs.1,60,000/- can be awarded



towards loss of love and affection. A sum of Rs.15,000/- can be awarded towards funeral expenses. A sum of Rs.18,600/- can be awarded towards medical expenses. The award can be rounded off to a sum of Rs.23,20,000/-.

4.The award dated 29.10.2014 made in M.C.O.P.No.3764 of 2013, on the file of the Motor Accident Claims Tribunal/Special District Court, Tiruchirappalli, is modified accordingly.

5.The appellant is directed to deposit the compensation amount of Rs.23,20,000/- 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, as apportioned by the Tribunal, less the amount already withdrawn by them, if any, by filing proper application before the Tribunal.

6.This Civil Miscellaneous Appeal stands partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

The Special District Judge,
The Special District Court/
The Motor Accident Claims Tribunal,
Tiruchirappalli.

Copy to

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

+1cc to Mr.P.Prabhakaran, Advocate Sr.No.90372
+1cc to Mr.C.Vakeeswaran, Advocate Sr.No.90495

TSG

VB/GT/SAR1/23/01/2018/2P/6C

**C.M.A. (MD) No.123 of 2016
and**

**C.M.P. (md) .No.2020 of 2016
30.11.2017**