



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.132 of 2016
and
C.M.P. (MD) .No.2160 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam Limited)
Registered & Head Office,
Pillai Thanneer Pandal,
Pudukkottai Town & District. ... Appellant/Respondent

Vs.

1.Thilagam
2.Pandiammal
3.Minor Suresh
(Minor No.3 is represented through his mother
& Natural Guardian Thilagam, the 1st respondent
herein)
4.Sivakkolunthu
5.Minor Dheepa
6.Minor Satheesh
7.Minor Ramesh ... Respondents/Petitioners
(Minors 5 to 7 are represented through their
mother and natural guardian Sivakkolunthu,
the 4th respondent herein)

Prayer: This Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 09.01.2015 passed in M.C.O.P.No.148 of 2011 on the file of the Motor Accident Claims Tribunal/Additional District & Sessions Judge, Pudukkottai.

For Appellant : Mr.D.Sivaraman

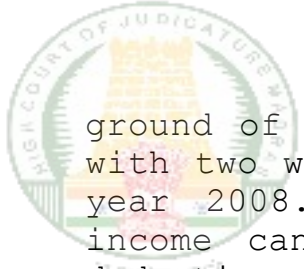
For Respondents : Mr.N.Balakrishnan for R1, R2 and R4

JUDGMENT

Heard the learned counsel on either side.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The Transport Corporation has filed this appeal on the



ground of quantum. The deceased was a load man. He was blessed with two wives and five children. The accident took place in the year 2008. Since no income proof was furnished, the monthly income can be taken as Rs.5,000/- and accordingly, after 1/5th deduction and including damages for loss of consortium, for funeral expenses and loss of estate, the total compensation payable to the claimants would come to Rs.9,10,000/-. The award of the Tribunal is modified accordingly. As regards the apportionment, the finding of the Tribunal is confirmed.

3. Therefore the compensation payable to the claimants will have to be reduced from Rs.10,38,000/- to Rs.9,10,000/- The award dated 09.01.2015 made in M.C.O.P.No.148 of 2011 on the file of the Motor Accident Claims Tribunal/Additional District & Sessions Judge and Special Judge, Pudukkottai is modified accordingly.

4. The appellant is directed to deposit the entire compensation amount of Rs.9,10,000/- 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. The share of the minor claimants 3, 5, 6 and 7 shall be deposited in any one of the Nationalised Bank. The natural guardian, the First respondent is permitted to withdraw the interest of the third claimant there from once in three months directly from the Bank and the natural guardian, the fourth respondent is permitted to withdraw the share of the claimants 5, 6 and 7 to withdraw the interest there from once in three months directly from the Bank till they attain majority. On such deposit, the claimants 1,2 and 4 are entitled to withdraw the compensation amount, as apportioned by the Tribunal, less the amount already withdrawn by them, if any, by filing proper application before the Tribunal. The appellant is permitted to withdraw the balance amount, if any.

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

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Additional District & Sessions Judge,
Motor Accidents Claims Tribunal,
Pudukkottai.



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

+1 cc TO Mr.D.Sivaraman , Advocate in SR No. 85470

tsg

AE/SKN RSK/SAR1/13.02.2018/3P/5C

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