



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.1244 of 2015

and

MP (MD) No.1 of 2015

Tamil Nadu State Transport
Corporation Limited,
through its Managing Director,
Having office at No.2, Trivandrum road,
Vannarpettai, Tirunelveli. ... Appellant/Respondent

Vs.

1.Chandra
2.Jeyalakshmi
3.Vijayakumar
4.Uma Maheswari
5.Guruvammal ... Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and degree dated 25.03.2015 made in M.C.O.P No.926 of 2014 on the file of the Motor Accidents Claims Tribunal, Special Sub Court, Tirunelveli.

For Appellant : Mr.P.Prabhakaran

For Respondents : No appearance for R1 to R5

JUDGMENT

Heard the learned counsel on either side.

2.Tamil Nadu State Transport Corporation is on appeal questioning the award dated 25.03.2015 made in M.C.O.P No.926 of 2014 on the file of the Motor Accidents Claims Tribunal, Special Sub Court, Tirunelveli on the ground of quantum.

3.The claimants are the wife and children and mother of the deceased Murugan. The deceased died in an accident involving the bus belonging to the appellant corporation. The accident took place on 25.08.2014 and the deceased succumbed injuries on 07.09.2014. Crime No.1277/2014 was registered on the file of Tirunelveli Traffic Investigation Wing against the driver employed by the appellant corporation. The Tribunal fixed the



negligence on the driver of the appellant corporation. The said finding is based on relevant material and sound reasoning. It calls for no interference.

4.The deceased was aged 52 years when the accident took place. He was working as Fitter Gr.II and earning about Rs.30,880/- in TANGEDCO, MTPS, Mettur Dam. Therefore, split multiplier ought to have been adopted. In that view of the matter, the compensation payable to the claimants will have to be re-worked as under :

Sl.No	Heads	Amount in Rupees
1.	For loss of income 2,50,124 x 6	Rs.15,00,744/-
2.	After retirement, loss of income adopting multiplier method 2,50,124 / 2 x 5	Rs.6,25,310/-
3.	For loss of consortium	Rs.1,00,000/-
4.	For loss of love and affection for claimants 2 to 5, Rs.25,000/- each	Rs.1,00,000/-
5.	For funeral expenses	Rs.25,000/-
6.	Medical expenditure	Rs.2,30,000/-
	Total	Rs.25,81,054/-

5.The compensation awarded by the Tribunal is reduced from Rs.32,06,360/- to Rs.25,81,054/-. The award dated 25.03.2015 made in M.C.O.P No.926 of 2014 on the file of the Motor Accidents Claims Tribunal, Special Sub Court, Tirunelveli is accordingly modified.

6.The appellant corporation is directed to deposit the entire compensation amount 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.

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

Sd/-

Assistant Registrar(CS-III)

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Sub Assistant Registrar



To

1. The Special Subordinate Judge,
Motor Accidents Claims Tribunal,
Tirunelveli

WEB COPY

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

+ 1 cc TO Mr.P.Prabhakaran , Advocate in SR No. 84531

skm

AE/SV MMS/SAR1/18.01.2018/3P/5C

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