



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.326 of 2017

and

C.M.P (MD) No.3705 of 2017

The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Division Ltd,
Periyamilagu Parai,
Trichy-612 001.

... Appellant/ Respondent

Vs.

1.M.Gurusamy
2.G.Pappu
3.G.Gunasekaran
4.G.Ambika
(Respondents 3 and 4 are not
necessary parties and given up)

... Respondents/Petitioners

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree made in MCOP.No.40 of 2015 dated 29.03.2016 on the file of the Motor Accident Claims Tribunal/Principal District Court, Trichirappalli.

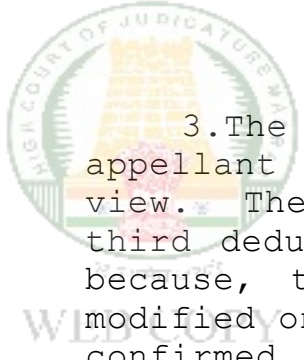
For Appellant : Mr.P.Prabhakaran

For Respondents : Mr.D.Boopal

JUDGMENT

The Tamil Nadu State Transport Corporation is on appeal challenging the award dated 29.03.2016 made in MCOP.No.40 of 2015 on the file of the Motor Accident Claims Tribunal/Principal District Court, Trichirappalli.

2.The claimants are the parents and brother and sister of the deceased. The deceased was a pedestrian, when he was hit by bus belonging to the appellant corporation. Crime No.385/2012 was registered on the file of Trichy Traffic North police station.



3.The Tribunal fixed the negligence only on the driver of the appellant corporation. There is no reason to take a different view. The monthly income of Rs.6,000/- was fixed. But only one third deduction was made. The deduction should have been 50%, because, the deceased was a bachelor. The award has to be modified only in this regard. In all other respects, the award is confirmed. Pecuniary loss is therefore re-worked as $3000 \times 12 \times 16 = 5,76,000/-$. This Court awards a sum of Rs.50,000/- towards loss of love and affection and further sum of Rs.25,000/- towards funeral expenses. A sum of Rs.10,000/- was awarded towards transportation charges. In all, the compensation payable to the claimants would come to Rs.6,61,000/-. The claimants are entitled to withdraw the said amount in the same proportion as indicated by the Tribunal.

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

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The Principal District Judge,
Motor Accident Claims Tribunal,
Trichirappalli.

+1cc to Mr.P.Prabhakaran, Advocate Sr.No.82904
+2cc to Mr.D.Boopal, Advocate Sr.No.82907

SKM

VB/SV/MMS/SAR1/02/11/2017/2P/5C

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