



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.1313 of 2015

and

M.P (MD) No.3 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation,
Head Office, Pillai Thanneer Pandal,
Thirumayam Road,
Pudukkottai District.

... Appellant/ Respondent

Vs.

1.K.Karuppayee
2.K.Mohan
3.S.Chithra
4.K.Tamil @ Tamilarasi
5.K.Muthu

... Respondents / Petitioners

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Judgment and decree passed by the Motor Accident Claims Tribunal, Principal District Court, Pudukkottai in M.C.O.P.No.693 of 2013 dated 26.02.2015.

For Appellants : Mr.D.Sivaraman

For Respondents : Mr.N.Rahmadullah

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 Karuppan, was hit by the vehicle belonging to the appellant Corporation on 19.04.2013. Crime No.186 of 2013, was registered, on the file of the Ganesh Nagar Police Station. The deceased was having his avocation as Taval Player. The claimants filed M.C.O.P.No.693 of 2013, dated 26.02.2015, on the file of the Motor Accident Claims Tribunal/Principal District Court, Pudukkottai. No income proof was filed. The Tribunal rightly found that the accident took place due to the rash and negligent driving of the



driver employed by the appellant Corporation. The Tribunal awarded a sum of Rs.6,75,000/- as compensation. Contending that the said sum is excessive, this appeal has been filed.

3.I am of the view that the compensation payable to the claimants will have to be re-worked.

4.The age of the eldest son was shown as 50. Therefore, obviously, the age of the deceased should have been above 65 at the time of the accident. Therefore multiplier 5 has to be adopted. The accident took place in the year 2013. Therefore, the monthly income has to be taken as Rs.6,500/-. Since the dependants are 5 in number, $1/4^{\text{th}}$ deduction will have to be made.

5.Therefore, the pecuniary loss for the family will be Rs.2,92,500/-(Rs.4,875X5X12). For loss of love and affection a sum of Rs.1,00,000/- will have to be awarded. A sum of Rs.30,000/- will have to be awarded for loss of estate and funeral expenses. Therefore, the compensation payable to the claimants will have to be Rs.4,22,500/-. The compensation payable to the claimants will have to be reduced from Rs.6,75,000/- to Rs.4,22,500/-.

6.The appellant is directed to deposit the compensation amount of Rs.4,22,500/- 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 judgment less the amount already deposited, if any. The wife of the deceased will be entitled for a sum of Rs.3,00,000/- with interest and the other claimants will be entitled to the remaining amount in equal shares. On such deposit, the claimants/respondents are entitled to withdraw the same, less the amount already withdrawn by them, if any, by filing proper application before the Tribunal. The appellant is permitted to withdraw the remaining deposited amount, if any.

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

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

<https://hcservices.ecourts.gov.in/hcservices/>
Principal District Judge / Motor Accident Claims Tribunal,
Pudukkottai.



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+1cc to Mr.D.Sivaraman Advocate in SR.NO.93925
+1cc to Mr.N.Rahamadullah Advocate in SR.NO.94693

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AE/KKR/SAR4/23.02.2018/3P/6C

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