

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 02.11.2017****CORAM :****THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN****C.M.A. (MD) No. 1333 of 2015**

The General Manager,
Tamil Nadu State Transport Corporation,
Maruthupathy,
Karaikudi.

... Appellant / Respondent

Vs.

1. Valarmathi
2. Pandian
3. Minor Baskaran
4. Minor Sangeetha

(R3 and 4 are minors represented by
their mother and natural guardian,
the first respondent)

5. Packiam

... Respondents

Prayer: Appeal filed under Section 173 of M.V. Act, 1988, to set aside the judgment and decree dated 01.04.2015 passed in M.C.O.P.No.645 of 2012 on the file of the Motor Accidents Claims Tribunal/Principal District Court, Pudukkottai.

For Appellant	: Mr.P.Prabhakaran
For Respondents	: Mr.G.Karnan

JUDGMENT

Heard the learned counsel on either side.

2. Tamil Nadu State Transport Corporation, Karaikudi has filed this appeal on the ground of quantum. The wife, children and mother of the deceased are the claimants. When the deceased was riding his two wheeler on 10.10.2012, the bus belonging to the appellant Corporation dashed against him causing his death. The deceased was aged 38 years when he died. The Tribunal held that the accident took place on account of the rash and negligent driving of the driver employed by the appellant Corporation. The said finding is based on proper appreciation of the evidence on record. There is no reason to take a different view.

3. The Tribunal fixed the monthly income of the deceased at Rs.6,750/-. However, 1/5 reduction was made. It should have been only 1/4 deduction. Therefore, the compensation has to be reworked as under:



For Pecuniary loss Rs.5063x12x15	=	Rs. 9,11,340
Loss of Consortium	=	Rs. 40,000
Love and affection for RR2to5 each 50,000/-	=	Rs. 2,00,000
Loss of estate	=	Rs. 15,000
Funeral expenses	=	Rs. 15,000
Transportation expenses	=	Rs. 5,000
Total	=	Rs.11,86,340/-

Thus, the compensation entitled to the claimant is reduced from Rs.14,86,800/- to Rs.11,86,340/-.

4.The appellant insurance company is directed to deposit the entire compensation amount with interest at the rate of 7.5% per annum and costs, from the date of petition till the date of realization, within a period of twelve 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deposit, the claimants are entitled to withdraw their share as apportioned by the Tribunal, less the amount already withdrawn by them, if any, by filing proper application before the Tribunal.

5.This civil miscellaneous appeal stands partly allowed. No costs.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Principal District Court,
Motor Accidents Claims Tribunal,
Pudukkottai.

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

+1cc to Mr.P.Prabhakaran, Advocate Sr.No.85061
+1cc to Mr.G.Karnan, advocate Sr.No.85244

ARUL

VB/SKN/RSK/SAR4/12/12/2017/2P/5C