



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD)No.1367 of 2015

and

MP (MD)No.1 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation,
Railway Station New Road,
Kumbakonam - 612 001. ... Appellant/1st Respondent

Vs.

1.Alagu S/o.Solaimalai

2.Alagu W/o.Alagu ... Respondent 1 and 2/Petitioners

3.Pothum Ponnu @ Geetha ...3rd Respondents/2nd Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the order dated 06.06.2015 made in MCOP.No.49 of 2009 on the file of the Motor Accident Claims Tribunal / District Court, Sivagangai.

For Appellants : Mr.P.Prabhakaran

For Respondents : Mr.J.Anandkumar for R1 & R2

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.

3.One Sekar, son of the claimants met with an accident involving the bus belonging to the appellant corporation. The Tribunal awarded a sum of Rs.7,50,000/- with interest. Since the wife of the deceased had remarried after the occurrence, she was shown as the second respondent in the claim petition. But, while awarding the compensation, the Tribunal also awarded a sum of Rs.40,000/- towards loss of consortium. Since the wife of the deceased had remarried, the question of awarding any compensation under this head will not arise.

4.Therefore, the compensation payable to the claimants is reduced from Rs.7,50,000/- to Rs.7,10,000/-. The award dated 06.06.2015 made in MCOP.No.49 of 2009 on the file of the Motor Accident Claims Tribunal / District Court, Sivagangai is modified.



5.The appellant transport corporation is directed to deposit the entire compensation amount, with interest at the rate of 7.5% per annum, from the date of petition till the date of realization and costs, 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 parents are entitled to a sum of Rs.2,50,000/- each and the third respondent is entitled to a sum of Rs.2,10,000/- with interest, by filing proper application before the Tribunal, less the amount already withdrawn by them, if any.

6.This appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Judge,
Motor Accident Claims Tribunal,
District Court, Sivagangai.
- 2.The Record Keeper, (2 copies)
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.P.Prabhakaran, Advocate Sr.No.90738

+1cc to Mr.J.Anandkumar, Advocate SR.No.90512

SKM

VB/CVC/SAR4/23.03.2018/2P/6C

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