



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2017

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.1391 of 2015

and

M.P. (MD) .No.2 of 2015

Tamil Nadu State
Transport Corporation Limited,
Through its General Manager,
Having its office at
Vannarpettai,
Tirunelveli.

... Appellant/Respondent
Vs.

1.Jamila
2.Nabisa
3.Hanifa
4.Fathima
5.Amina beevi
6.Shariba

... Respondents/petitioner

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the judgment and decree dated 10.10.2012 made in M.C.O.P.No.217 of 2012, on the file of the Motor Accident Claims Tribunal/III Additional District and Sessions Court, Tirunelveli.

For Appellant : Mr.P.Prabhakaran
For Respondents : No Appearance

JUDGMENT

Heard the learned counsel on either side.

2.The appellant Transport Corporation has filed this appeal on the ground of quantum. One Mohamed Samsudeen, was riding a two-wheeler, on 21.07.2011 at about 11.45 a.m. When the bus belonging to the appellant Corporation dashed against it, in the resulting accident the said rider died. For Claiming compensation, the mother, sisters and brothers of the deceased filed M.C.O.P.No.217 of 2012, dated 10.10.2012, on the file of the Motor Accident



Claims Tribunal/III Additional District and Sessions Court, Tirunelveli.

3.The Tribunal while awarding the compensation did not effect 50% deduction. Admittedly, the deceased was a bachelor. He was aged 26 years at the time of the accident. Therefore, the correct multiplier would be 17. But in this case multiplier 18 was adopted. Similarly, instead of awarding 7.5% interest, 8% was awarded. Even in the claim petition, it was mentioned that the victim was earning Rs.6,000/- per month. But no income proof certificate has been filed. That is why, the Tribunal fixed his monthly income at Rs.4,000/-. Since he was a bachelor, a sum of Rs.2,000/- would have available for the family. By applying the multiplier 17, the pecuniary loss would come to Rs.4,08,000/-. For funeral expenses a sum of Rs.15,000/- has been awarded. For loss of love and affection a sum of Rs.42,000/- can be awarded. The claimants will thus entitled to Rs.4,65,000/- as compensation.

Sl.No	Heads	Amounts in Rupees
1.	For pecuniary loss	Rs.4,08,000/-
2.	For funeral expenses	Rs. 15,000/-
3.	For loss of love and affection	Rs. 42,000/-
	Total	Rs.4,65,000/-

4.The first respondent herein is the mother of the deceased, the others are only sisters and brothers. Therefore, the first respondent can be held entitled to the entire compensation. The award dated 10.10.2012 made in M.C.O.P.No.217 of 2012, on the file of the Motor Accident Claims Tribunal/III Additional District and Sessions Court, Tirunelveli, is modified accordingly.

5.The appellant is directed to deposit the entire compensation amount of Rs.4,65,000/- 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 first respondent is entitled to withdraw the same, less the amount already withdrawn by her, if any, by filing proper application before the Tribunal.

6.This Civil Miscellaneous Appeal is partly allowed. No costs. consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

/True copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



To

1.The Motor Accident Claims Tribunal/
IIIrd Additional District & Sessions Judge, Tirunelveli.

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

+1cc to Mr.P.PRABHAKARAN,Advocate,SR.87401

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KK/SV MMS/SAR 3/20.12.2017/ 3P- 4C/