



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.M.A. (MD) No. 501 of 2017
and
C.M.P. (MD) No. 5362 of 2017

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Having Office at Rockfort Depot,
Tiruchirappalli Metropolitan City. ... Appellant/Respondent

Vs.

1. Banumathi
2. Thenmozhi
3. Devi
4. Tirunavukkarasu
5. Pradheepa ... Respondents/Petitioners

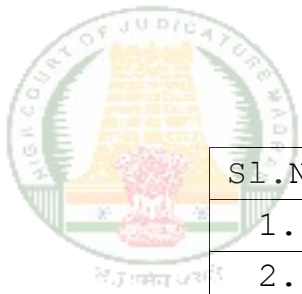
Prayer: This Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the judgment and decree dated 16.06.2016 passed in M.C.O.P.No.1127 of 2014 on the file of the Motor Accident Claims Tribunal/Special District Court, Thanjavur.

For Appellant : Mr.D.Sivaraman
For Respondents : Mr.R.Murugan for R1 to R5

JUDGMENT

Heard the learned counsel on either side.

2.The Transport Corporation has filed this appeal on the ground of quantum. The deceased was a load man. The accident took place in the year 2014. The monthly income can be taken as Rs.6,500/-. By adding future prospects and applying multiplier 14 and after deducting 1/4th the pecuniary loss would come to Rs.10,23,792/-. For loss of consortium, funeral expenses and loss of estate a sum of Rs.70,000/- has to be added. For medical expenses a sum of Rs.3,493/- can be awarded. For transport expenses Rs.10,000/- can be awarded. Therefore, it comes to Rs.11,07,285/-. The compensation payable to the claimants will have to be reworked as under:-



Sl.No	Head	Amount in Rupees
1.	For pecuniary loss	Rs.10,23,792/-
2.	For loss of consortium	Rs. 40,000/-
3.	For Funeral expenses	Rs. 15,000/-
4.	For loss of estate	Rs. 15,000/-
5.	For medical expenses	Rs. 3,493/-
6.	For transport expenses	Rs. 10,000/-
	Total	Rs.11,07,285/-

3. Therefore the compensation payable to the claimants will have to be reduced from Rs.12,53,110/- to Rs.11,07,285/-. The award dated 16.06.2016 passed in M.C.O.P.No.1127 of 2014 on the file of the Motor Accident Claims Tribunal/Special District Court, Thanjavur is modified accordingly.

4. The appellant is directed to deposit the entire compensation amount of Rs.11,07,285/- 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 claimants are entitled to withdraw the same, as apportioned by the Tribunal, less the amount already withdrawn by them, if any, by filing proper application before the Tribunal. The Transport Corporation is permitted to withdraw the excessive amount, if any.

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

Sd/-
Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To
The Special District Judge, Motor Accidents Claims Tribunal/
Special District Court, Thanjavur.

Copy to:- The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court, Madurai.

+One cc to Mr.D.Sivaraman, Advocate, SR.No.85467

+One cc to Mr.R.Murugan, Advocate, SR.No.85486

tsg

RL/5C/2P/SKN/RSK/SAR1/13/12/2017

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