



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2017

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.1398 to 1400 of 2015

and

MP(MD)No.2, 2 & 2 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation
Periya Milaguparai,
Tiruchirappalli.

...Appellant in all CMAs/1st Respondent

Vs.

Minor Srimathi

Minor is rep.by mother Sangeetha

...1st respondent in CMA 1398/2015/Petitioner

Sangeetha

...1st respondent in CMA 1399/2015/Petitioner

Papa @ Papammal

...1st respondent in CMA 1400/2015/Petitioner

2.Indumathi

3.The Branch Manager,

Sri Ram General Insurance Company,

406, Bharathiyar Road,

Near Bharat Petroliam,

Opposite of Agriculture Office,

Thala theru, Karaikal.

...2nd and 3rd respondents in all CMAs/
Respondents 2 & 3

Prayer: These Civil Miscellaneous Appeals are filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and degree dated 25.08.2014 made in M.C.O.P Nos.535, 536 & 537 of 2011 on the file of the Motor Accidents Claims Tribunal / Additional District and Sessions Court, Pudukottai.

For Appellant

in all CMAs

: Mr.P.Prabhakaran

For Respondents

in all CMAs

: No appearance.

JUDGMENT

The Tamil Nadu State Transport Corporation has filed these three Civil Miscellaneous Appeals questioning the impugned awards dated 25.08.2014 made in M.C.O.P Nos.535, 536 & 537 of 2011 on the file of the Motor Accidents Claims Tribunal / Additional District and Sessions Court, Pudukottai both on the ground of liability as well as the quantum.

2.The learned counsel appearing for the Transport Corporation fairly submitted that the issue of liability has already been decided against the corporation in connected appeals. Therefore, the said issue need not be gone into. The finding of the Tribunal that the accident occurred on account of the rash and negligent driving of the driver employed by the appellant corporation stands confirmed.

3.The amount of compensations awarded in the MCOPs that was subject matter of CMA(MD)Nos.1398 and 1399 of 2015 are reasonable and they do not warrant any interference. This Court will have to examine the reasonableness of the award in MCOP.No.537 of 2011 which is the subject matter of CMA(MD)No.1400 of 2015. Even though the claimant had suffered 50% disability, the Tribunal has chosen to adopt the multiplier method. This is not correct. Therefore, the compensation payable to the claimant has to be re-worked. For loss income Rs.1,50,000/- can be awarded. The compensation awarded under other heads stand confirmed. The compensation payable to the claimant is reduced from Rs.9,17,901/- to Rs.5,87,901/-.

4.The award dated 25.08.2014 made in M.C.O.P No.537 of 2011 on the file of the Motor Accidents Claims Tribunal / Additional District and Sessions Court, Pudukottai is accordingly modified.

5.The appellant transport corporation is directed to deposit the entire compensation amount in all the appeals with interest at the rate of 7.5% per annum from the date of petition till 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 major claimants are entitled to withdraw the same by filing proper application before the Tribunal, less the amount already withdrawn by him, if any. The amount awarded to the minor claimant in CMA(MD)Nos.1398 of 2015 is directed to be deposited in any one of the nationalised bank till the minor attained majority. The guardian of the minor is permitted to withdraw the interest once in three months directly from the bank. The appellant transport corporation is permitted to withdraw the balance amount, if any.



6.The CMA(MD)Nos.1398, 1399 of 2015 stand dismissed and CMA (MD)No.1400 of 2015 stands partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(C.o.)

/True Copy/

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Sub Assistant Registrar

To

1.The Motor Accidents Claims Tribunal /
Additional District and Sessions Court, Pudukottai.

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

+3CC to Mr.P.Prabhakaran, Advocate, SR.No. 85804, 85809, 85810

C.M.A.(MD)No.1398 to 1400 of 2015
and

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skm

AM/SKN RSK/SAR 3/27.12.2017/3P/6C (PA Corr.04/01/2018)