



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2017

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.1415 of 2015  
and  
M.P.(MD)No.4 of 2015

The Managing Director,  
State Express Transport Corporation Ltd.,  
Pallavan Salai,  
Chennai-2.

... Appellant /1<sup>st</sup> respondent

Vs.

1.Dhanalakshmi

2.Gopi

3.Jayakanth

4.Aciammal ... Respondents 1 to 4/Petitioners

5.B.Ayyappan

6.Royal Sundaram Allianz Insurance Company Ltd  
45 and 46, Whites Road,  
Chennai-600014. ...Respondents 5 & 6/Respondents 2 & 3

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, to set aside the judgment and decree made in M.C.O.P.No.1392 of 2013 dated 29.04.2014 by the Motor Accident Claims Tribunal / Special District Court, Thiruchirappalli.

|                |                           |
|----------------|---------------------------|
| For Appellant  | : Mr.P.Prabhakaran        |
| For R-1 to R-4 | : Mr.M.Siddharthan        |
| For R-6        | : Mr.S.Srinivasa Raghavan |

### JUDGMENT

Heard the learned counsel on either side.

2.The appellant transport corporation has filed this Civil Miscellaneous Appeal, questioning the award dated 29.04.2014 passed in M.C.O.P.No.1392 of 2013 by the Motor Accident Claims Tribunal / Special District Court, Thiruchirappalli on the ground of quantum.

3.The deceased Jeyaseeli was aged about 32 years at the time of accident. Her monthly income was fixed at Rs.7,800/-. Admittedly

the deceased was a Spinster. Therefore, 50% deduction must be made. In the present case, one third deduction was made. It is incorrect. Similarly 50% was awarded towards future prospects. Only 40% towards future prospects can be made. Since the deceased was 32 years at the time of accident, the multiplier will be 16. Therefore, the compensation payable to the claimant will have to be reworked as under :

| Head                          | Amount in Rupees |
|-------------------------------|------------------|
| Pecuniary loss - (5460x12x16) | Rs.10,48,320/-   |
| Loss of love and affection    | Rs. 1,60,000/-   |
| Funeral expenses              | Rs. 15,000/-     |
| Loss of estate                | Rs. 15,000/-     |
| Total                         | Rs.12,38,320/-   |

4. Therefore the compensation payable to the claimants is quantified at Rs.12,38,320/-. thus the compensation payable to the claimants is reduced from Rs.15,47,600/- to Rs.12,38,320/-.

5. The judgment and decree made in M.C.O.P.No.1392 of 2013 dated 29.04.2014 passed by the Motor Accident Claims Tribunal / Special District Court, Thiruchirappalli is modified.

6. The appellant transport corporation is directed to deposit the sum of Rs.12,38,320/- 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 eight weeks from the date of receipt of a copy of this judgment, less the amount already deposited, if any. On such deposit, the claimants are entitled to withdraw their share as apportioned by the Tribunal, by filing proper application less the amount already withdrawn by them, if any.

7. This Civil Miscellaneous Appeal is partly allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

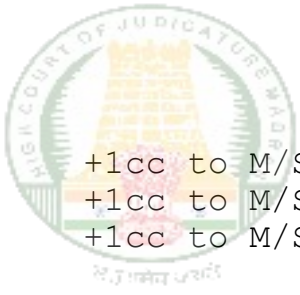
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Sub Assistant Registrar

To

1. The Special District Judge,  
Motor accident claims Tribunal,  
Thiruchirappalli.

2. The Record Keeper,  
Madurai Bench of Madras High Court,  
Madurai. **(Two Copies)**



+1cc to M/S.M.Siddharthan, Advocate SR.No. 89559  
+1cc to M/S.S.Srinivasa Raghavan, Advocate SR.No. 89030  
+1cc to M/S.P.Prabhakaran, Advocate SR.No. 88993

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JM/KK/SAR 4/19.03.2018/3P/7C