



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.163 of 2015

and

M.P.(MD) No.1 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam Division II),
Periamilaguparai,
Trichy-620 001.

... Appellant/Respondent.

Vs.

1.Singari
2.M.Meena
3.Minor M.Priya

(The third respondent is represented by her mother
and Natural Guardian the 1st Respondent)

4.P.Valliyammai

... Respondents/Petitioners.

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the judgment and decretal order dated 11.07.2013 made in M.C.O.P.No.11 of 2013 on the file of the Motor Accidents Claims Tribunal /Special District Court, Tiruchirappalli.

For Appellant : Mr.P.Prabhakaran

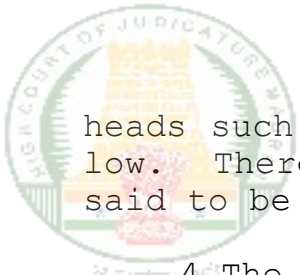
For Respondents : Mrs.C.Padmaraj for R1 to R4

JUDGMENT

Heard the learned counsel on either side.

2.Tamil Nadu State Transport Corporation, Kumbakonam Division has questioned the award passed by the Tribunal on the ground of quantum. The claimants are the wife, children and mother of the deceased. The deceased was travelling as a passenger in the bus belonging to the appellant Corporation. Following his death, Crime No.24 of 2009 was registered against the driver of the appellant Corporation. The Tribunal fixed the negligence on the driver of the appellant Corporation. The said finding is based on relevant material and proper reasoning. The said finding stands confirmed.

3.As regards the quantum, the Tribunal fixed the monthly income at Rs.4,500/-. 30% was added towards future prospects. 1/4th deduction was made. Considering the number of dependants pecuniary loss was assessed at Rs.7,37,520/-. The amount awarded under other



heads such as Loss of Consortium, Funeral expenses etc are woefully low. Therefore, the compensation awarded by the Tribunal cannot be said to be excessive. There is no merit in this appeal.

4. The appellant/Insurance Company is directed to pay the award amount of Rs.8,17,520/- with interest at 7.5% per annum and costs from the date of petition till the date of realisation within a period of twelve weeks from the date of receipt of a copy of this order, if the same has not been deposited already. The claimants are permitted to withdraw the entire amount, less the amount already withdrawn by them, if any, as per the apportionment made by the Tribunal. The award made in M.C.O.P.No.11 of 2013 dated 11.07.2013 on the file of the Motor Accidents Claims Tribunal /Special District Court, Tiruchirappalli is confirmed. This Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar.

To

The Motor Accidents Claims Tribunal /Special District Court,
Tiruchirappalli

Copy to:

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

+1CC to Mr.P.Prabhakaran, Advocate, SR.No. 84532

+1CC to Mrs.C.Padmaraj, Advocate, SR.No. 84615

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and

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tsg

AM/KK/SAR 1/06.12.2017/2P/5C