



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.214 of 2015

and

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

The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam Limited),
Pudukottai.

... Appellant

Vs.

1.Selvi
2.Minor Manalakshmi
3.Minor Maha Eswaran
4.Sundaresan
5.Banumathi
(Minors 2 and 3 are represented through
their mother and natural guardian Selvi,
the 1st respondent herein)

... Respondents

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the judgment and decree passed by the Motor Accident Claims Tribunal, Additional District & Sessions Court, Pudukottai in M.C.O.P.No.72 of 2011 dated 03.01.2014.

For Appellant : Mr.D.Sivaraman

For Respondents : Mr.K.Baalasundharam

JUDGMENT

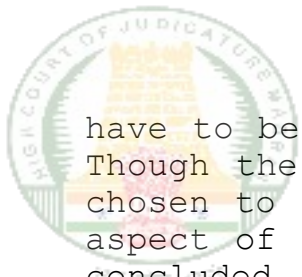
Heard the learned counsel on either side.

2.The Transport Corporation has filed this appeal challenging the impugned award on the ground of quantum.

3.The learned counsel would point out that excess amounts have been awarded under the heads such as loss of estate and loss of love and affection. Even though this contention is correct, it would not make any difference to the ultimate outcome. The compensation awarded under other heads can be easily re-adjusted.

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

4.The deceased was aged 40 years. Therefore multiplier will



have to be taken as 15. The accident took place in the year 2010. Though the monthly income is taken as Rs.6,000/-, the Tribunal has chosen to fix only a sum of Rs.4,000/- as monthly income. If this aspect of the matter is taking into account, it can be very easily concluded that the sum of Rs.10,50,000/- that has been awarded cannot be said to be excessive. The deceased has left behind his wife, his aged parents and two minor children. I therefore do not find any reason to interfere with the impugned award. The award dated 03.01.2014 on the file of the Motor Accident Claims Tribunal, Additional District & Sessions Court, Pudukottai, made in M.C.O.P.No.72 of 2011 is confirmed.

5.The appellant is directed to deposit the entire compensation amount of Rs.10,50,000/- 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 claimants are entitled to withdraw the same, as apportioned by the Tribunal, less the amount already withdrawn by him, if any, by filing proper application before the Tribunal.

6.This Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Motor Accident Claims Tribunal,
Additional District & Sessions Court, Pudukottai.

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

+1cc to Mr.D.SIVARAMAN Advocate in SR. No. 86094

+1cc to Mr.K.BAALASUNDHARAM Advocate in SR. No. 86143

TSG

JS/KP/SAR.4/18.12.2017/2P-5C

**C.M.A. (MD) No.214 of 2015
and**

**M.P. (MD) .No.2 of 2015
09.11.2017**