



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2017

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) .Nos.379 of 2014 and 55 of 2015
and
M.P. (MD) No.2 of 2015

C.M.A. (MD) .Nos.379 of 2014

1.S.Kumari @ Krishna Kumari

2.Minor S.Mohana

3.Minor S.Arun

4.R.Dhanalakshmi

(Minor Petitioners 2 & 3 rep. through
Their Mother and guardian S.Kumari
the 1st Petitioner herein)

... Appellants

Vs

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Bye-pass Road, Madurai-10.

...Respondent

PRAYER:- Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicle Act 1988, to allow the appeal and modify the award passed in M.C.O.P.No.1013 of 2009 dated 22.07.2011 on the file of the Motor Accident Claims Tribunal, Additional District Court/Fast Track Court No.2, Madurai.

For Appellants : Mr.M.Sarangan

For Respondent : No Appearance

C.M.A. (MD) .No.55 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Bye-pass Road, Madurai-10.

... Appellant

Vs



1.S.Kumari @ Krishna Kumari

2.Minor S.Mohana

3.Minor S.Arun

4.R.Dhanalakshmi

(Minor Petitioners 2 & 3 rep. through
Their Mother and guardian S.Kumari
the 1st Petitioner herein)

...Respondents

PRAYER:- Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicle Act 1988, to allow the Civil Miscellaneous Appeal, setting aside the Judgement and Decree passed award dated 22nd day of July 2011 made in M.C.O.P.No.1013/2009 on the file of the Motor Accident Claims Tribunal Additional District Court-F.T.C.No.2, Madurai.

For Appellant : No Appearance

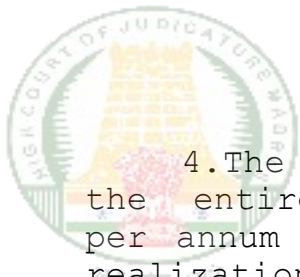
For Respondents : Mr.M.Sarangan

C O M M O N J U D G M E N T

When one Saravanakumar was riding a two wheeler on 12.10.2008 a bus belonging to TNSTC, Madurai dashed against him. In the resulting accident the said Saravanakumar died. He was a painter by profession and he was aged about 40 years. His dependents the wife, children and mother filed M.C.O.P.No.1013 of 2009 on the file of the Motor Accident Claims Tribunal, Additional District Court/Fast Track Court No.2, Madurai. The Tribunal awarded a sum of Rs.6,48,400/- as compensation. Questioning the same the Transport Corporation has filed C.M.A.(MD) No.55 of 2015 and claiming enhancement, the claimant filed C.M.A(MD) No.379 of 2014.

2.It is seen that the monthly income of the deceased was taken as Rs.4,000/- but 40% future prospects was not added. Secondly, even though the dependents of the deceased are four number, 1/3rd deduction was made. Actually only 1/4 deduction ought to have been made. If these errors are rectified, the pecuniary loss to the family will be Rs.8,06,400/-. A sum of Rs.70,000/- will have to be awarded toward loss of consortium. Since there are two minor children and mother, Rs.40,000/- each will have to be awarded towards loss of love and affection.

3.Therefore, the compensation awarded by the Tribunal is enhanced from Rs.6,48,400/- to Rs.9,96,400/-. The order dated 22.07.2011 made in M.C.O.P.No.1013 of 2009, on the file of the Motor Accident Claims Tribunal, Additional District Court/Fast Track Court No.2, Madurai is accordingly modified.



4.The respondent/Transport Corporation is directed to deposit the entire compensation amount 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. The claimants are permitted to withdraw the entire amount, less the amount already withdrawn by them, 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 share of the minor claimants 2 and 3 shall be deposited in any one of the Nationalised Bank. The natural guardian of the first appellant is permitted to withdraw the interest there from once in three months directly from the Bank.

5.The Civil Miscellaneous Appeal filed by the claimants in C.M.A(MD) No.379 of 2014 is allowed. The Civil Miscellaneous Appeal filed by the Transport Corporation in C.M.A.(MD)No.55 of 2015 is dismissed. No cost. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1.The Motor Accident Claims Tribunal,
Additional District Court/Fast Track Court No.2,
Madurai.

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

+One cc to Mr.M.Sarangan, Advocate, SR.No.88981

cp

RL/4C/3P/SKN/RSK/SAR4/26/12/2017

C.M.A. (MD) .Nos.379 of 2014 and
55 of 2015