



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Monday, the Twenty Third day of January Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice N.KIRUBAKARAN

CMA(MD) No.64 of 2017

The Managing Director,
Tamil Nadu State Transport Corporation,
Ranithottam,
Nagercoil,
(Tirunelveli Division).

... Appellant/
Respondent

Vs.

1.Thangakani
2.Lajapathy Balaji
3.Balasuganthi Singha
4.Ranadey Balaji

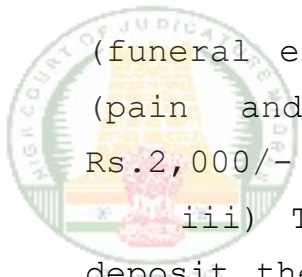
... Respondents 1 to 4/
Petitioners

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 24.08.2015, and made in M.C.O.P.No.303 of 2013, on the file of the Motor Accident Claims Tribunal/Subordinate Judge, Vallioor.

DECREE: This Civil Miscellaneous Appeal coming on for hearing on this day upon perusing the grounds of Appeal, the order of the Lower Court, and material papers and upon hearing MR.P.PRABHAKARAN, Advocate for the Appellant herein and MR.G.VENUGOPAL, for MR.M.P.SENTHIL, Advocate for the Respondent, this Court doth order and decree as follows:-

i) That the Civil Miscellaneous Appeal is partly allowed;

ii) That the Judgment and decree dated 24.08.2015 of the Subordinate Judge, Motor Accident Claims Tribunal, Valliyoer in M.C.O.P.No.303 of 2013 are modified and the compensation amount is reduced from Rs.8,63,500/- (Rupees Eight Lakhs Sixty Three Thousand and Five Hundred only) to a sum of **Rs.7,30,894/-** (Rupees Seven Lakhs Thirty Thousand Eight Hundred and Ninety Four only) [Rs.2,59,980/- (loss of income) + Rs.50,000/- (loss of consortium) + Rs.1,00,000/- (loss of love and affection to the respondents 2 to 4) + Rs.2,500/- (loss of estate) + Rs.5,000/- (transportation charges) + Rs.10,000/-



(funeral expenses) + Rs.10,000/- (extra nourishment) + Rs.10,000/- (pain and sufferings) + Rs.2,81,414/- (medical expenses) + Rs.2,000/- (damages to the bicycle);

iii) That the appellant-Transport Corporation is directed to deposit the entire award amount along with interest at the rate of 7.5% per annum from the date of petition till date of realisation and proportionate costs, to the credit of M.C.O.P.No.303 of 2013, on the file of the Motor Accident Claims Tribunal - cum - Sub Court, Vallioor, within a period of **eight weeks** from the date of receipt of a copy of this judgment;

iv) That on such deposit the Tribunal shall transfer the same as per the apportionment made by the Tribunal, to the respective Personal Savings Bank Account Numbers of the respondents 1 to 4/claimants, through RTGS/NEFT, after getting their Account Details, within a period of **two weeks** thereafter;

v) That there be no order as to costs in this Civil Miscellaneous Appeal.

Sd/-
Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

1.The Subordinate Judge/Motor Accident Claims Tribunal, Vallioor.

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

+1 cc to M/s.P.Prabhakaran, Advocate in SR.No. 3521

CSL/PM-PN/16.02.2017 : 2P/4C

DECREE DATED :23.01.2017

DECREE

CMA(MD) No.64 of 2017

NATURE OF DECREE:

Partly allowed against the Award and Decree made in M.C.O.P.No.303 of 2013 dated 24.08.2015 on the file of the Motor Accident Claims Tribunal, Sub Court, Vallioor.