



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.242 of 2016

1.P.Thangammal
2.P.Rajalingam
3.P.Vinoth Rajan
4.P.Geetha Rani

... Appellants/Petitioners

Vs.

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

... Respondent/Respondent

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988, to modify the judgment and decree dated 28.02.2014 made in M.C.O.P.No.224 of 2013 on the file of the Motor Accidents Claims Tribunal, Principal District Court, Tuticorin.

For Appellants	: Mr.S.Siva Thilakar
For Respondent	: Mr.P.Prabhakaran

JUDGMENT

Heard the learned counsel on either side.

2.The claimants have filed this appeal seeking enhancement of the compensation. The deceased was a lorry driver and aged about 53 years. The accident took place in the year 2013. Therefore his monthly income must be taken as Rs.6,500/-. In this case, deduction had to be $\frac{1}{3}^{\text{rd}}$ and not $\frac{1}{4}^{\text{th}}$, since in this case, the wife alone can be considered as dependant of the deceased and not the others are aged 26,28 and 30 respectively. Accordingly, the pecuniary loss will have to be quantified at Rs.5,72,000/-. A sum of Rs.40,000/- can be awarded towards loss of consortium and for other conventional heads Rs.30,000/- can be awarded.

<https://hcservices.ecourts.gov.in/hcservices/>
3. Therefore the compensation payable to the claimants will have to be enhanced from Rs.4,38,000/- to Rs.6,42,000/-. The award dated 28.02.2014 made in M.C.O.P.No.224 of 2013 on the file of Motor



Accidents Claims Tribunal, Principal District Court, Tuticorin is modified accordingly.

4.The respondent Corporation is directed to deposit the entire compensation amount of Rs.6,42,000/- 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 twelve 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such deposit, the claimants are entitled to withdraw the same, as apportioned by the Tribunal, less the amount already withdrawn by them, if any, by filing proper application before the Tribunal.

5.This Civil Miscellaneous Appeal is partly allowed. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District Judge,
Motor Accidents Claims Tribunal,
Tuticorin.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.S.SIVATHILAKAR, ADVOCATE IN SR No. 85861
+ 1 CC TO Mr.P.PRABHAKARAN, ADVOCATE IN SR No. 85887

TSG
TE/SV-MMS/SAR-4 : 05/12/2017 : 2P/5C

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