



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.276 of 2015

1.M.Tamil Selvi

2.Minor R.Sivasubramanian

3.Minor M.Selvakannan

4.Minor G.Ganesan

5.Minor M.Selvarason

(The 2nd to 5th Minor petitioners filing through their Mother and next friend is 1st petitioner)

...Petitioners/Appellants

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation Limited.,
Formerly Kattabomman Transport Corporation Limited,
No.2.Trivandram Road,
Tirunelveli.

... Respondent/Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, against the Judgment and decree dated 22.02.2010 made in M.C.O.P.No.347 of 2008 on the file of Motor Accident Claims Tribunal, Principal District Judge, Tuticorin.

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

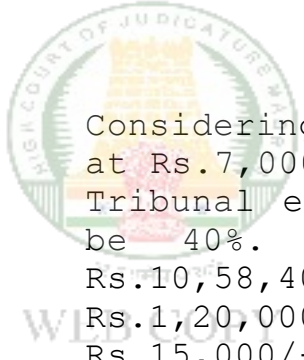
JUDGMENT

Heard the learned counsel on either side.

2.The Transport Corporation has filed this Civil Miscellaneous Appeal, against the impugned award dated 22.02.2010 made in M.C.O.P.No.347 of 2008 on the file of Motor Accident Claims Tribunal, Principal District Judge, Tuticorin.

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3.The deceased was a student. He had completed the Diploma course. He was doing some technical course for skill development.



Considering these aspects, the Tribunal fixed the monthly income at Rs.7,000/-. This cannot be said to be erroneous. However, the Tribunal erred in adding 50% towards future prospects. It has to be 40%. Therefore, pecuniary loss for family will be Rs.10,58,400/-. For loss of love and affection, a sum of Rs.1,20,000/- can be awarded; for funeral expenses a sum of Rs.15,000/- can be awarded. Therefore the compensation payable to the claimants will have to be fixed at Rs.11,93,400/-. It can be rounded off Rs.11,95,000/-.

4. Therefore, the amount awarded by the Tribunal is enhanced from Rs.3,26,900/- to Rs.11,95,000/-. The award dated 22.02.2010 made in M.C.O.P.No.347 of 2008 on the file of Motor Accident Claims Tribunal, Principal District Judge, Tuticorin is modified.

5. The respondent / Transport Corporation is directed to deposit the entire sum of Rs.11,95,000/- 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. The first claimant is permitted to withdraw the proportionate amount, less the amount already withdrawn by her, if any. The share of the minor claimants 2 to 4 shall be deposited in any one of the Nationalised Bank. The natural guardian of the minor claimants 2 to 4 is permitted to withdraw the accrued interest once in three months directly from the Bank.

6. This Civil Miscellaneous Appeal is partly allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

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

+ 1 cc TO Mr.P.Prabhakaran , Advocate in SR No. 88998

Smi

AE/SV MMS/SAR2/08.01.2018/2P/4C

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