



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No. 697 of 2017

and

C.M.P. (MD) .No. 7380 of 2017

1. The Managing Director,
Tamil Nadu State Transport Corporation,
Maruthupandiyar Nagar, Karaikudi,
Sivagangai District. ... Appellant/Respondent

Vs.

1.Muthukaruppan
2.Amutha Rani
3.Ramayee ... Respondents/Petitioners

Prayer: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award and decree made in M.C.O.P.No.671 of 2015 dated 06.03.2017, on the file of the Motor Accident Claims Tribunal, Additional District Court and Special Court, Pudukottai.

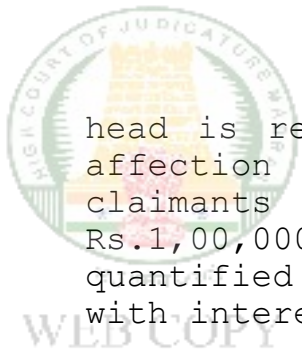
For Appellant : Mr.P.Prabhakaran
For Respondent : Mr.M.Fernand for R1 to R3

JUDGMENT

Heard the learned counsel on either side.

2.The Transport Corporation has filed this appeal questioning the impugned award principally on the ground of quantum and negligence. The deceased was travelling in a two-wheeler and it appears that he crossed the road without giving proper hand signal. When he crossed the road, a bus belonging to the appellant Corporation hit the deceased on the rear side of the foot board.

3.The learned counsel appearing for the appellant Transport Corporation would contend that this prima facie indicated that this was deceased who was at fault and not the bus driver. Be that as it may, the Tribunal has given a finding that the accident took place only on account of the negligence of the bus driver. The said finding is based on credible material and proper reasoning. Therefore, I do not wish to interfere. A sum of Rs.25,000/- has given towards loss of estate. In this case, the deceased was a bachelor. The claimants are only the brothers and sisters of the deceased. Therefore, the question of awarding a sum of Rs.25,000/- awarded towards loss of estate will not arise. Similarly, a sum of Rs.25,000 was awarded towards funeral expenses. I am of the view that a sum of Rs.15,000/- can be awarded towards funeral expenses. Therefore, the damages awarded under the said



head is reduced to Rs.15,000/-. Similarly, for loss of love and affection a sum of Rs.1,50,000/- has been awarded. Since the claimants are three in number, this has to be reduced to Rs.1,00,000/-. The compensation payable to the claimants is quantified at Rs.7,73,000/- This can be rounded off to Rs.7,75,000/- with interest.

4. Therefore, the award dated 06.03.2017, made in M.C.O.P.No.671 of 2015, on the file of the Motor Accident Claims Tribunal, Additional District Court and Special Court, Pudukottai is modified accordingly.

5. The appellant is directed to deposit the entire compensation amount of Rs.7,75,000/- 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 judgment, 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. The appellant/Transport Corporation is permitted to withdraw the remaining amount, if, any.

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

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Additional District Judge and Special Judge,
The Motor Accident Claims Tribunal,
Pudukottai.

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

tsg

MK/SV VR/SAR 4/04.07.2018/2P/4C

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