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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.10.2017
CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.727 of 2017
and
C.M.P.(MD).No.7707 of 2017
and
CROS.OBJ.(MD).No.24 of 2017

The Managing Director,
Tamil Nadu State Transport Corporation,
Kudanthai Division-I,
Railway Station Road,
Kumbakonam Kasba,
Kumbakonam Taluk,
Thanjavur District. ... Appellant in C.M.A.(MD)No.727 of 2017
... Respondent in CROS.OBJ.(MD).No.24 of 2017

vs

Minor Manikandan
Represented by his present guardian
and grand mother Marimuthu ... Respondent in C.M.A.(MD)No.727 of 2017
... Appellant in CROS.OBJ.(MD).No.24 of 2017

Prayer in C.M.A.(MD)No.727 of 2017: Appeal filed under Section 173 of Motor Vehicles Act, 1988, to allow the appeal , set aside the award and decree made in M.C.O.P.No.96 of 2012, dated 03.10.2016 on the file of the Motor Accident Claims Tribunal / Sub Court, Pattukottai.

Prayer in CROS.OBJ.(MD).No.24 of 2017 :This Cross Objection is filed under Order 41, Rule 22 of Civil Procedure Code to allow the Appeal to the effect that so as to Enhance the compensation to the tune of Rs.1,00,000/- in addition to compensation awarded by the Tribunal by modifying the judgment and decreetal order made in M.C.O.P.No.96 of 2012 dated 03.10.2016 by the learned Motor Accident Claims Tribunal (Sub Court), Pattukottai.

In C.M.A.(MD)No.727 of 2017

https://hcservices.ecourts.gov.in/hcservices/

For Appellant : Mr.P.Prabhakaran
For Respondent :Mr.S.Deenadhayalan

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In CROS.OBJ.(MD).No.24 of 2017

For Appellant : Mr.S.Deenadhayalan
For Respondent : Mr.P.Prabhakaran

JUDGMENT

Tamil Nadu State Transport Corporation, Kudanthai Division-I has filed this Civil Miscellaneous Appeal challenging the award made in M.C.O.P.No.96 of 2012 on the file of the Motor Accident Claims Tribunal / Sub Court, Pattukottai.

2.The claimant is the minor son of the deceased. The deceased Kundumony @ Subbiah was killed in an accident on 28.01.2012 on account of the rash and negligent driving of the driver of the bus belonging to the appellant Corporation. The Tribunal has given a finding fixing negligence on the driver employed by the appellant corporation. There is no reason to interfere with the said finding.

3.As regards the quantum, the Tribunal has fixed the income earned by the deceased at Rs.6,000/- per month. This cannot be said to be excessive. The correct multiplier was adopted. The deductions have been correctly made. The other heads of damages have also been correctly quantified. Therefore, the award passed by the Tribunal is confirmed. There is no merit in this appeal.

4.The claimant has filed Cross Objection. According to the claimant, the Tribunal erred in deduction of his monthly income in respect of his personal expenses. It is true, in the case of married persons the deduction is made only to the extent of one third. But in this case, the family of the deceased comprised himself and the claimant alone. The mother of the claimant has pre deceased his father. Therefore, the Tribunal was justified in deducting half of his monthly income in respect of his personal expenses. I have already held that the Tribunal adopted the correct approach and that is why I have dismissed the appeal filed by the Transport Corporation. There is no merit in this Cross Objection. It stands dismissed.

5.This Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (P&A)

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Sub Assistant Registrar

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To

The Subordiante Judge,
Motor Accident claims Tribunal,
Pattukottai.

Copy to:

The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO MR.P.Prabhakaran, ADVOCATE IN SR No.82351
+ 1 CC TO MR.Mr.S.Deenadhayalan , ADVOCATE IN SR No.82419
tsg
MK/KK/SAR-3/03.11.2017/3P/5C

JUDGMENT MADE IN
C.M.A.(MD)No.727 of 2017
and
C.M.P.(MD).No.7707 of 2017
and
CROS.OBJ.(MD).No.24 of 2017
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