



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.10.2017
CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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C.M.A. (MD) No.318 of 2015
and
MP (MD) No.2 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Office at No.31/137, Salamedu,
Villupuram - 605 602. ... Appellant/Respondent

Vs.

1.Vallithai

2.Periyasamy ... Respondents/Petitioners

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree made in MCOP.No.1394 of 2012 dated 09.09.2014 on the file of the Motor Accident Claims Tribunal/ II Additional District and Sessions Court, Tirunelveli.

For Appellant : Mr.P.Prabhakaran

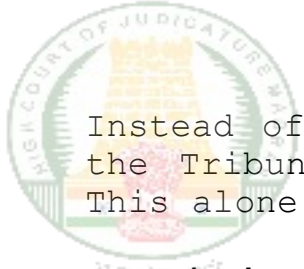
For Respondents : Mr.S.Sivasubramanian

JUDGMENT

The Tamil Nadu State Transport Corporation is on appeal challenging the award dated 09.09.2014 made in MCOP.No.1394 of 2012 on the file of the Motor Accident Claims Tribunal/ II Additional District and Sessions Court, Tirunelveli.

2.The first claimant is the mother and the second claimant is the brother of the deceased. The deceased died in an accident on 08.11.2011. When he was riding a motor cycle, the bus belonging to the appellant corporation dashed against him from behind. The Tribunal has given a finding that on account of the rash and negligent driving on the part of the driver of the appellant corporation, the accident took place. The said finding is confirmed.

3.The Tribunal fixed the monthly income of the deceased at Rs.6,000/-. Since he was a bachelor, 50% deduction was made. After awarding the damages under the usual heads, the compensation payable to the claimants was quantified at Rs.6,46,000/-. This amount cannot be said to be excessive.



Instead of awarding 7.5% interest rate which is usually awarded, the Tribunal awarded the interest at the rate of 8% per annum. This alone has to be modified.

4. The appellant corporation is liable to pay the compensation of Rs.6,46,000/- with interest at the rate of 7.5% per annum from the date of petition, till the date of realization. Except the modifying interest rate, in all other respects the award is confirmed. This Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The II Additional District and Sessions Judge,
Motor Accident Claims Tribunal, Tirunelveli.

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

+1cc to Mr. P. Prabhakaran, Advocate Sr. No. 82902

SKM

VB/SV/MMS/SAR3/01/11/2017/2P/4C

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