



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A (MD) No.341 of 2015

Tamil Nadu State Transport Corporation,
Kumbakonam Division,
By its Managing Director. ... Appellant/Respondent No.1

Vs.

1.Sumathi ...Respondent No.1/Petitioner No.1
2.Minor Kaaviya ...Respondent No.2/Petitioner No.2
3.Minor Sanjai ...Respondent No.3/Petitioner No.3
(Minor 2 and 3 are represented through
their mother and natural guardian 1st
respondent herein)
4.Indirani ...Respondent No.4/Respondent No.2
5.Kathiresan ...Respondent No.5/Respondent No.3

Prayer: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree passed by the Motor Accident Claims Tribunal, Sub-Court, Aruppukkottai in M.C.O.P. No.92 of 2010, dated 25.08.2011.

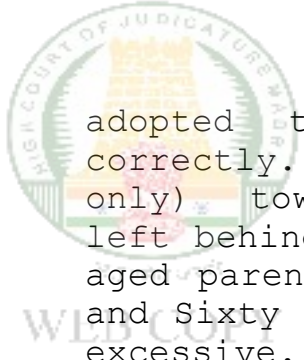
For Appellant : Mr.D.Sivaraman
For Respondents 1 to 3 : Mr.V.Sasikumar
For Respondents 4 & 5 : Mr.T.R.Subramanian

JUDGMENT

The Tamil Nadu State Transport Corporation, Kumbakonam Division has filed this Civil Miscellaneous Appeal, challenging the award dated 25.08.2011 made in M.C.O.P. No.92 of 2010 on the file of the Motor Accident Claims Tribunal, Sub-Court, Aruppukkottai.

2.The claimants filed the said petition seeking compensation for the death of Selvam @ Kalaiselvan in the accident that took place on 28.08.2010 involving the bus belonging to the appellant Corporation. The deceased was a taxi driver. Even though the appellant filed a counter contending that the deceased was under influence of alcohol, the same has not been established by letting in evidence.

<https://hcservices.equityshare.in/HCServices>
3.The Tribunal proceeded on the footing that the deceased would have earned a sum of Rs.7,000/- (Rupees Seven Thousand only) per month. He was aged about 32, when he died. The Tribunal



adopted the correct multiplier. The deductions were done correctly. The award of sum of Rs.1,00,000/- (Rupees One Lakh only) towards loss of consortium is also correct. The deceased left behind not only a young wife but also two minor children and aged parents. Awarding a sum of Rs.10,62,000/- (Rupees Ten Lakhs and Sixty Two Thousand only) as compensation cannot be said to be excessive.

4.I find no merit in this appeal. The award passed by the Tribunal is confirmed. The Civil Miscellaneous Appeal stands dismissed. No Costs.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1.The Subordinate Judge,
Motor Accidents Claims Tribunal,
Aruppukkottai.

COPY TO:

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

+1cc to M/S.D.Sivaraman, Advocate SR.No. 81996
+1cc to M/S.V.Sasikumar, Advocate SR.No. 81968
+1cc to M/S.T.R.Subramanian, Advocate SR.No. 82000

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mrn/das
JM/MR KKR/SAR 1/30.10.2017/2P/6C