



WEB COPY

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.389 of 2016
and
C.M.P (MD) No.5443 of 2016

The Managing Director,
Tamil Nadu State Transport
Corporation Kumbakonam Division,
Railway Station New Road,
Kumbakonam Taluk,
Thanjavur District.

... Appellant/Respondent

Vs.

1.A.Fathima Beevi
2.A.Pathurunnisha

... Respondents/Petitioners

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, set aside the Judgment and decree made in M.C.O.P.No.756 of 2014 dated 27.11.2015 on the file of the Motor Accident Claims Tribunal/Special District Court, Thanjavur.

For Appellant : Mr.P.Prabhakaran
For Respondents : Mr.Rajaprabhu

JUDGMENT

Heard the learned counsel on either side.

2.The Transport Corporation has filed this Civil Miscellaneous Appeal, against the impugned award dated 27.11.2015 made in M.C.O.P.No.756 of 2014 by the Motor Accident Claims Tribunal / Special District Court, Thanjavur on the ground of quantum of compensation.

3.The Tribunal committed error by adding 50%, of the monthly income towards future prospects. It should be only 40%. The accident took place in the year 2013. Monthly income of the deceased can be taken as Rs.6,500/-. He had two dependants. Therefore, one third deduction has to be made. After applying the relevant multiplier, the compensation towards pecuniary loss for the family will be Rs.11,64,864/-. A sum of Rs.40,000/- can be



awarded for the loss of consortium. A sum of Rs.40,000/- can be awarded to the mother for loss of love and affection. A sum of Rs.30,000/- can be awarded towards the other conventional heads.

4. Therefore the compensation payable to the claimants is reduced from Rs.13,47,000/- to Rs.12,74,864/-. The order dated 27.11.2015 made in M.C.O.P.No.756 of 2014 by the Motor Accident Claims Tribunal / Special District Court, Thanjavur is accordingly modified.

5. The appellant / Transport Corporation is directed to deposit the entire compensation amount 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. On such deposit, the claimants are entitled to withdraw the same, less the amount already withdrawn by them, if any, by filing proper application before the Tribunal.

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

The Special District Judge,
Motor Accident Claims Tribunal,
Thanjavur.

Copy To:-

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.P.PRABHAKARAN, ADVOCATE IN SR No. 88992

SMI

TE/MR/SAR-1 : 02/02/2018 : 2P/5C

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