



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.400 of 2015

and

M.P. (MD) .No.1 of 2015

The General Manager,
Tamil Nadu State Transport Corporation,
Thanneer Pandal, Thirumayam Salai,
Pudukottai District.

... Appellant/Respondent

Vs.

1.Elanchiyam
2.Malarkodi
3.Thenmozhi

... Respondents/Petitioner

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the judgment and decree dated 04.08.2014 passed in M.C.O.P.No.668/2013 on the file of the Motor Accidents Claims Tribunal/Special District Court, Trichirappalli.

For Appellant : Mr.P.Prabhakaran
For Respondents : Mr.R.Subramanian

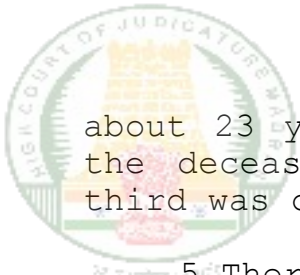
JUDGMENT

The Tamil Nadu State Transport Corporation has filed this Civil Miscellaneous Appeal questioning the award dated 04.08.2014 on the file of the Motor Accidents Claims Tribunal/Special District Court, Trichirappalli.

2.The deceased Maheswaran is the son of the first respondent and the brother of the other respondents. He died in an accident that took place on 18.10.2012. The two wheeler which the deceased was riding met with an accident involving the bus belonging to the appellant Corporation. The deceased was a computer engineer. They claim compensation of Rs.30,00,000/-. The Tribunal however awarded a sum of Rs.10,92,600/- with interest. Questioning the same, this appeal has been filed.

3.Heard the learned counsel for the parties.

4.It is seen that the Tribunal rightly fixed negligence on the driver of the appellant Corporation. There is no reason to take a different view. Since no income proof was furnished, the Tribunal fixed the monthly income of the deceased at Rs.6,000/-. He was aged



about 23 years and therefore multiplier of 18 was adopted. Since the deceased was a bachelor, instead of deduction 50%, only one third was deducted.

5. Therefore, loss of income should be computed at Rs.3,000/-X 12X 18=Rs.6,48,000/-. The claimants are entitled to get a sum of Rs.60,000/- towards loss of love and affection. A sum of Rs.30,000/- towards transportation charges. A sum of Rs.25,000/- can be awarded towards funeral expenses. A sum of Rs.1,52,000/- can be awarded towards medical expenses. Thus, the compensation payable to the claimants is quantified at Rs.9,15,000/-. The sum of Rs.10,92,600/- awarded by the Tribunal is reduced to Rs.9,15,000. The appellant corporation is liable to pay the said sum of Rupees with interest at the rate of 7.5% per annum from the date of petition and from the date of realization.

6. The award made in M.C.O.P.No.668/2013 dated 04.08.2014 is accordingly modified as indicated above. This Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

1. The Special District Judge,
Motor Accidents Claims Tribunal,
Court, Trichirappalli.
2. The Record Keeper,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.R.SUBRAMANIAN, ADVOCATE IN SR No. 82560
+ 1 CC TO Mr.P.PRABHAKARAN, ADVOCATE IN SR No. 82352

SKM

TE/GT/SAR-I : 09/11/2017 : 2P/5C

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