



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.M.A. (MD) No.439 of 2015
and
MP (MD) No.1 of 2015

The Managing Director,
Tamil Nadu State Express Transport
Corporation,
Puducherry.

... Appellant/2nd Respondent

Vs.

1.Sumathy
2.Subramanian
3.Rethinam
4.Jeevitha
5.Kaliammal

... Respondents 1 to 5/
Petitioners 1 to 5

6.Chenthil Kumar
7.Gnanaraj

8.The Branch Manager,
Reliance General Insurance Company Ltd,
Teynampettai, Chennai.

... Respondents 6 to 8/
Respondents 1,3 and 4

Prayer : Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 29.07.2013 made in MCOP.No.368 of 2011 on the file of the Motor Accident Claims Tribunal / Principal Sub Court, Tenkasi.

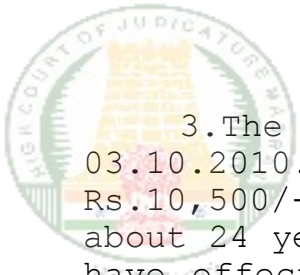
For Appellant : Mr.P.Prabhakaran

For Respondents : Mr.J.Jeyakumaran for R1 to R5
R6 Dispensed with vide Eb
R7 - No appearance.

JUDGMENT

Heard the learned counsel for the parties.

2.The Transport Corporation has filed this appeal on the ground of quantum.
<https://hcservices.ecourts.gov.in/hcservices/>



3.The deceased was a bachelor. The accident took place on 03.10.2010. The monthly income of the deceased was taken as Rs.10,500/-. He was a prepaid airport taxi driver. He was aged about 24 years. He was a bachelor. The Tribunal therefore ought to have effected 50% deduction. Instead only one third deduction was made. The impugned award is liable to be modified only on this ground. In all other respects, the award is confirmed.

4.The Tribunal fastened the 50% liability on the appellant corporation and another 50% liability on the eight respondent. The eight respondent herein was shown as fourth respondent before the Tribunal and they remained exparte before the Tribunal also. If only 50% deduction is made, the monthly income available for the family is Rs.5250/-. Applying the multiplier 18, the pecuniary loss would come to Rs.11,34,000/-. Adding damages under other conventional heads, the total would come to Rs.11,99,000/-.

5.The award dated 29.07.2013 made in MCOP.No.368 of 2011 on the file of the Motor Accident Claims Tribunal / Principal Sub Court, Tenkasi is modified.

6.The appellant Transport Corporation is fastened with the liability to pay a sum of Rs.5,99,500/- and the eight respondent herein has to pay the balance amount with interest at the rate of 7.5% per annum and costs, within a period of eight weeks from the date of receipt of a copy of this order, less the amount already deposited if any. The appellant transport corporation is permitted to withdraw the balance amount, if any. On such deposit, the claimants are entitled to withdraw the said amount, as apportioned by the Tribunal, less the amount already withdrawn by them, if any, by filing proper application. This appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To

1.The Principal Subordinate Judge,
Motor Accident Claims Tribunal,Tenkasi.

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

+One cc to Mr.P.Prabhakaran, Advocate, SR.No.86488

+One cc to Mr.J.Jeyakumaran, Advocate, SR.No.86401

skm

RL/6C/2P/SV/SAR1/18/1/2018

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and

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