



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2017

CORAM :

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANC.M.A. (MD) No. 493 of 2016 and
C.M.P. (MD) No. 6302 of 2016

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

... Appellant/Respondent

Vs.

1. Anbazhaki
2. Natesan
3. Suranthiran

... Respondents/Petitioners

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 20.01.2016 made in M.C.O.P.No.214 of 2010, on the file of the Motor Accident Claims Tribunal [Special District Court], Thanjavur.

For Appellant : Mr.P.Prabhakaran
For R1 to R3 : Mr.B.Senthilkumar

JUDGMENT

The appellant Transport Corporation has filed this appeal questioning the impugned award on the ground of quantum.

2. The deceased Prakasam was riding his two wheeler on 11.08.2008 at about 08.00 A.M., in Thanjavur-Kumbakonam Main Road. The bus belonging to the appellant Transport Corporation hit his two wheeler from behind. The said Prakasam died. He was working as Clerk in Thiruvaiyar Housing Co-operative Society. The Tribunal rightly fastened the entire negligence on the bus driver. However, while quantifying the compensation payable, the Tribunal did not adopt the split multiplier. Therefore the compensation payable to the claimants will have to be re-worked as under:-

3. Since the deceased was aged about 54 years, the Tribunal fixed the monthly income of the deceased at Rs.16,289/- by adding 15% future prospects and by deducting one third for his personal expenses. By applying split multiplier, the pecuniary loss for the family (Rs.16,289x12x4=Rs.7,81,872/- and Rs.16,289/2x12x7=Rs.6,84,138/-), would be fixed at Rs.14,66,010/-. Since there are



three claimants, the loss of love and affection and consortium for the wife of the deceased can be fixed at Rs.1,20,000/-. A further sum of Rs.30,000/- will have to be awarded for "Funeral Expenses and Loss of Estate". Therefore, the compensation payable to the claimants is fixed at Rs.16,16,010/-.

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4.The compensation awarded by the Tribunal is reduced from Rs.20,25,133/- to Rs.16,16,010/-. The award dated 20.01.2016 made in M.C.O.P.No.214 of 2010, on the file of the Motor Accident Claims Tribunal [Special District Court], Thanjavur, is modified accordingly.

5.The appellant Transport Corporation is directed to deposit the modified compensation amount of Rs.16,16,010/- with interest at the rate of 7.5% per annum and costs, from the date of petition till the date of realization, within a period of twelve weeks from the date of receipt of a copy of this judgment, less the amount already deposited, if any. On such deposit, the claimants are entitled to withdraw the entire compensation amount as apportioned by the Tribunal, less the amount already withdrawn by them, if any, by filing proper application.

6.This Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, C.M.P.(MD)No.6302 of 2016 is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

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

Copy To:-

The Section Officer, Vernacular Records,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.P.PRABHAKARAN, ADVOCATE IN SR No. 92364
+ 1 CC TO Mr.B.SENTHILKUMAR, ADVOCATE IN SR No. 92290

SKM

TE/SV/SAR-1 : 10/07/2018 : 2P/6C