



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD).No.494 of 2016
and
C.M.P.(MD)No.6303 of 2016

The Tamil Nadu State Transport Corporation,
Kumbakonam
Through its Managing Director,

... Appellant/Respondent

Vs.

1.Manjula
2.Suganya

... Respondents/Petitioners

Prayer:- Civil Miscellaneous Appeals filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree made in M.C.O.P.No.387 of 2014, dated 18.09.2015 on the file of the Motor Accident Claims Tribunal/Principal Sub Court, Kumbakonam.

For Appellant : Mr.P.Prabhakaran

For Respondents : Mr.R.Vijayakumar

JUDGMENT

Heard the learned counsel on either side.

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

3.It is seen that the Tribunal has awarded a sum of Rs.1,00,000/- towards loss of consortium to the first claimant. The Honourable Supreme Court has recently reported in National Insurance Company Limited Vs. Pranay Sethi and Ors held that only a sum of Rs.40,000/- is awarded under that head. Secondly, a sum of Rs.20,000/- has been awarded towards Funeral Expenses. This has to be reduced to Rs.15,000/-. However, no compensation was awarded towards transportation, I am of the view that a sum of Rs.10,000/- can be awarded under that head. The two-wheeler belonging to the deceased was damaged in the accident. A sum of Rs.25,000/- can be awarded for damage to the vehicle. Therefore, the compensation awarded by the Tribunal is reduced by a sum of Rs.35,000/-. The appellant is liable to pay a sum of Rs.8,41,165/- with interest. Therefore, the compensation payable to the claimants is reduced from Rs.8,76,165/- to Rs.8,41,165/-.



4.The award made in M.C.O.P.No.387 of 2014, dated 18.09.2015, on the file of the Motor Accident Claims Tribunal/Principal Sub Court, Kumbakonam, is modified accordingly.

5.The appellant is directed to deposit the compensation amount of Rs.8,41,165/- 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 judgment, less the amount already deposited, if any. On such deposit, the respondents 1 and 2 are entitled to withdraw the same, as apportioned by the Tribunal, less the amount already withdrawn by them, if any, by filing proper application before the Tribunal.

6.This Civil Miscellaneous Appeal is partly allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Subordinate Judge,
Motor Accident Claims Tribunal/Principal Sub Court,
Kumbakonam.

2.The Record Keeper,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai. **(Two Copies)**

+1cc to M/S.R.Vijayakumar, Advocate SR.No. 91142

+1cc to M/S.P.Prabhakaran, Advocate SR.No. 91277

C.M.A. (MD) .No.494 of 2016

06.12.2017

tsg/lis

JM/JC/SAR 1/21.06.2018/2P/6C