



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) .No.471 of 2015

and

M.P. (MD) No. 2 of 2015

The Managing Director,
Tamil Nadu State Express Transport Corporation,
Pallavan Salai,
Chennai 600 002.

... Appellant/2nd Respondent

Vs.

1.Meenal

...1st Respondent/Petitioner

2.Kumaresan

...2nd Respondent/1st Respondent

(The 2nd respondent is the driver of the appellant and that notice may be dispensed with)

PRAYER : This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Accident Act 1988, against the judgment and decree made in M.C.O.P.No.65 of 2013, dated 06.06.2014 on the file of the Motor Accident Claims Tribunal/ Sub Court, Devakottai.

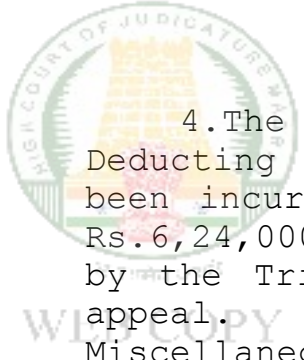
For Appellant	: Mr.P.Prabhakaran
For R1	: Mr.S.M.Sanjai
	for E.M.S.N.Law Associates
For Respondent	: Notice dispensed with
No.2	

JUDGMENT

The Managing Director, TNSTC, has filed this Civil Miscellaneous Appeal, challenging the award dated 06.06.2014 made in M.C.O.P.No.65 of 2013 on the file of the Motor Accident Claims Tribunal/ Sub Court, Devakottai.

2.The first respondent herein is the claimant. Her case is that on 04.01.2012, her husband was killed in an accident involving the bus belonging to the appellant corporation. The Court below awarded a sum of Rs.7,85,500/- with interest in favour of the claimant. Aggrieved by the same, this Civil Miscellaneous Appeal has been filed.

3.The deceased was aged about 47 years, when he was died. The multiplier for a person aged about 47 years is only '13'. However, the Court below has calculated as if the multiplier is '15'. This is obviously erroneous. Therefore, the calculation will have to be corrected by adopting the correct multiplier, namely, '13'. The compensation payable to the claimant will have to be reworked as follows:



4.The loss of income will be $6,000 \times 12 \times 13 = 9,36,000/-$. Deducting the 1/3 towards personal expenditure that would have been incurred by the deceased, the loss of income would come to Rs.6,24,000/-. Therefore, in all other aspects, the award passed by the Tribunal is confirmed. The claimants have not filed any appeal. It is only the corporation that has filed the Civil Miscellaneous Appeal. Since the multiplier adopted by the Tribunal is found to be erroneous, the modified award amount has to be reduced from Rs.7,85,500/- to Rs.6,89,500/-.

5.The learned counsel appearing for the first respondent pointed out that the appellant has not deposited the amount. While partly allowing this appeal, the appellant corporation is directed to deposit the award amount as modified by this Court along with accrued interest with 7.5% from the date of petition till the date of realization with costs, within a period of twelve weeks from the date of receipt of a copy of this order. On such deposit, the claimant is permitted to withdraw the amount by filing proper application before the Tribunal.

6.This Civil Miscellaneous Appeal is partly allowed, with the above direction. Consequently, M.P.(MD)No.2 of 2015 is closed. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The Motor Accidents Claims Tribunal,
Sub-Court, Devakottai.

COPY TO:

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

+1cc to M/S.S.M.Sanjai, Advocate SR.No. 81985
+1cc to M/S.P.Prabhakaran, Advocate SR.No. 82027

C.M.A. (MD) .No.471 of 2015
09.10.2017

DAS/MRN

JM/RSK/SAR 1/01.11.2017/2P/5C