



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.491 of 2015

and

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

The Managing Director,
Tamil Nadu State Transport Corporation,
Divisional Office, Maruthupathi,
Karaikudi, Sivagangai District. ... Appellant /Respondent

Vs.

1.Manonmani
2.Velmurugan
3.Indhira Kavitha
4.Karthikeyan
5.Senthilmurugan ... Respondents/Petitioners

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the judgement and decree passed in M.C.O.P.No.82 of 2009 dated 26th day of October 2010 on the file of Motor Accident Claims Tribunal cum Chief Judicial Magistrate Court, Sivagangai.

For Appellant : Mr.M.Prakash

For Respondents : No appearance for R1 to R5

JUDGMENT

Tamil Nadu State Transport Corporation has filed this appeal questioning the award on the ground that the amount awarded is excessive.

2.The first claimant was the wife of the deceased while the others are the children. The deceased Nagalingam was riding his two wheeler in the bus belonging to the appellant corporation dashed against him causing his death on the spot. The Tribunal fixed the negligence on the driver employed by the appellant corporation. Liability is not under challenge. It is only on the ground of quantum, this appeal has been filed.

3.The tribunal fixed the monthly income of the deceased at Rs.4500/-. One third deduction was made. The correct multiplier



was applied and fixed the loss of income at Rs.3000x12x11=Rs.3,96,000/-. In fact, the tribunal should have awarded more sums under the heads of funeral expenses, loss of consortium and loss of love and affection. Therefore the amount of Rs.4,58,000/- finally awarded by the Tribunal cannot be any stretch of imagination be termed as excessive. There is absolutely no merit in this appeal. It stands dismissed.

4.The appellant is directed to deposit the entire compensation amount with interest at the rate of 7.5% per annum and costs within twelve weeks from the date of receipt of a copy of this order, less the amount already deposited, if any to the credit of M.C.O.P.No.82 of 2009 on the file of the Motor Accidents Claims Tribunal cum Chief Judicial Magistrate Court, Sivagangai. On such deposit, the claimants are permitted to withdraw the same by filing proper application before the Tribunal, less the amount already withdrawn by them, if any. This Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
CHIEF JUDICIAL MAGISTRATE COURT,
SIVAGANGAI DISTRICT.
2. MANONMANI
D.NO.20, MARAVAR STREET,
MANAMADURAI TOWN, MANAMADURAI TALUK,
SIVAGANGAI DISTRICT.
3. VELMURUGAN
D.NO.20, MARAVAR STREET,
MANAMADURAI TOWN, MANAMADURAI TALUK,
SIVAGANGAI DISTRICT.
4. INDHIRA KAVITHA
D.NO.20, MARAVAR STREET,
MANAMADURAI TOWN, MANAMADURAI TALUK,
SIVAGANGAI DISTRICT.
5. KARTHIKEYAN
D.NO.20, MARAVAR STREET,
MANAMADURAI TOWN, MANAMADURAI TALUK,
SIVAGANGAI DISTRICT.



6. SENTHILMURUGAN
D.NO.20, MARAVAR STREET,
MANAMADURAI TOWN, MANAMADURAI TALUK,
SIVAGANGAI DISTRICT.

WLB COPY
COPY TO:

THE RECORD KEEPER, VR SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+ 1 cc TO Mr.M.Prakash , Advocate in SR No. 83924

tsg/dss

AE/SKN RSK/SAR1/19.12.2017/3P/9C

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