

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 31.10.2017****CORAM :****WEB COPY****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****C.M.A. (MD) No.539 of 2015****and****M.P. (MD) No.1 of 2015**

Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Represented through its Managing Director,
Office at Kumbakonam. ... Appellant/Respondent

Vs.

1.Kavitha
2.Minor Meena
3.Minor Jegan
(Minor Respondents 2 and 3 represented through
their mother natural guardian Kavitha, the Ist
Respondent herein)
4.Alagammal ... Respondents/Petitioners

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988,
to set aside the judgment and decree dated 17.11.2014 passed in
M.C.O.P.No.1100 of 2013 on the file of the Motor Accidents Claims
Tribunal/Vth Additional District Court, Madurai.

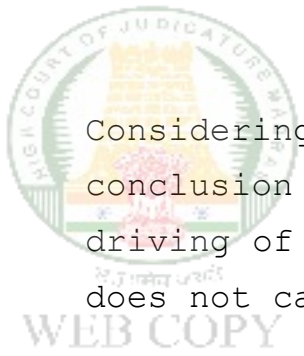
For Appellant : Mr.P.Prabhakaran
For Respondents : Mr.K.Sekar

JUDGMENT

Heard the learned counsel for both parties.

2.Questioning the award on the ground of quantum, the Tamil
Nadu State Transport Corporation (Kumbakonam) Limited has filed this
appeal.

3.The deceased Kandan @ Irulandi was travelling as a pillion
rider in a two-wheeler. The bus belonging to the appellant
Corporation dashed against the two-wheeler and in the ensuing
accident, both the riders died. Crime No.346 of 2012 was registered
against the driver employed by the appellant Corporation.



Considering the materials on record, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the appellant Corporation. The said finding does not call for any interference.

4.The deceased was aged 34 years at the time of accident. He was working as a sales man in a shop and drawing a monthly salary of Rs.7,410. Considering the number of dependants, 1/4th deduction was made. After adopting the correct multiplier the pecuniary loss was assessed at Rs.10,67,136/-. After awarding the compensation under the other heads such as funeral expenses, loss of love and affection, loss of consortium and loss of estate, a total sum of Rs.13,07,136/- was awarded. It is seen that towards loss of expectation of life Rs.50,000/- was awarded. This is not correct. But, I am not inclined to interfere on this account because only lesser amounts have been under the heads of funeral expenses and loss of consortium were awarded. Therefore, the amount of Rs.50,000/- wrongly awarded under the head of loss of expectation of life can be adjusted under other heads. Therefore, the impugned award has to be confirmed.

5.The appellant/Insurance Company is directed to pay the award amount of Rs.13,07,136/- with interest at 7.5% per annum and costs from the date of petition till the date of realisation, within a period of twelve weeks from the date of receipt of a copy of this order, if the same has not been deposited already. The claimants are permitted to withdraw the entire amount as apportioned by the Tribunal, less the amount already withdrawn by them, if any. This Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/



1. The Motor Accidents Claims Tribunal/
Vth Additional District Court, Madurai.

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

+1cc to M/S.P.PRABHAKARAN, Advocate SR.No.84533.

+1cc to M/S.K.SEKAR, Advocate SR.No.84623.

C.M.A. (MD) No.539 of 2015
and
M.P. (MD) No.1 of 2015
31.10.2017

tsg
SDS/SV:MMS/SAR 3/23.11.2017/3P/5C