



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 01.12.2016

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

CMA(MD)No.803 of 2014

and

M.P(MD)No.1 of 2014

Tamil Nadu State Transport Corporation Karaikudi,
Managiri Road,
Karaikudi Town,
Sivagangai District,
through its Managing Director.

... Appellant/Respondent

vs.

1)Kaveri
2)Panneer Selvam
3)Ramar
4)Periyasamy @ Murugan

... Respondents/Petitioners

Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 04.11.2013 passed in MCOP.No.70 of 2011 on the file of the Motor Accident Claims Tribunal/District Court, Sivagangai.

For Appellant : Mr.P.Prabhakaran
For R1 to R4 : Mr.S.Srinivasa Raghavan

JUDGMENT

It is the case of unfortunate case of fatal accident took place on 07.12.2010 around 13.00 hours on Madurai-Rameshwaram Highways at Muthanendal Bus Stop. The legal heirs of the deceased filed an application before the Motor Accident Claims Tribuna/District Court, Sivagangai, and the Tribunal considering the facts and circumstances of the case, awarded Rs.5,50,000/- as total compensation with interest at 7.5% per annum. The present appeal is filed by the appellant/insurance company, mainly challenging the quantum of compensation awarded by the Tribunal.

2.Learned counsel for the petitioner contended that the amount of compensation awarded by the Tribunal was excessive, since the multiplier adopted was wrong. Instead of adopting '11' multiplier, the Tribunal adopted '12' multiplier and therefore, to that extent, the award requires modification and reconsideration.

3.Learned counsel for the respondents/claimants opposed this appeal, by stating that the person deceased was aged 53 years and he was an agriculturist and further, he was the only breadwinner of the family.



4. Such being the case, by reducing one multiplier, there cannot be a much difference in the total amount of compensation and this Court is of the view that the deceased was 53 years of age which is crucial for the family and further, the dependants suffered on account of his death.

5. In view of the facts and circumstances of the case, this Court is not inclined to consider the grounds of appeal and accordingly, the impugned award is confirmed.

6. The appellant **/(*)Transport Corporation** is directed to deposit the entire award amount with proportionate accrued interest and costs, to the credit of the claim petition, within a period of four weeks from the date of receipt of a copy of this judgment, if not deposited already and thereafter, the respondents/claimants, are permitted to withdraw their shares with interest, through RTGS, by filing necessary applications before the Tribunal.

In the result, this Civil Miscellaneous Appeal is disposed of. No costs. Consequently, M.P(MD)No.1 of 2014 is closed.

Sd/-

Assistant Registrar(CSII)

**(*)AMENDED AS PER ORDER DATED
05.01.2017 MADE IN CMA(MD)NO.803/2014
BY NKKJ**

/True Copy/

Sub-Assistant Registrar

To

(*)TO BE SUBSTITUTED FOR ORDER ALREADY DESPATCHED ON 02.01.2017

The District Judge,
Motor Accident Claims Tribunal,
Sivagangai.

+One cc to Mr.P.Prabhakaran, Advocate, SR.No.78388

+One cc to Mr.S.Srinivasa Raghavan, Advocate, SR.No.78704

nbi

RL/4C/2P/SKN/29.12.2016

SVA/4C/2P/CM/MSA/SARI/23.2.2017

CMA(MD)No.803 of 2014
01.12.2016