



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.692 of 2016

and

C.M.P. (MD) No.7197 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation,
Railway Station Road,
Kumbakonam.

... Appellant/Respondent

Vs.

1.R.Gnana Deivam
2.Sathiyaraj

... Respondents/Petitioners

Prayer : This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree dated 23.11.2015 made in M.C.O.P.No.237 of 2010 on the file of Motor Accident Claims Tribunal, Special District Court, Thanjavur.

For Appellant : Mr.P.Prabhakaran

Respondents : Mr.G.Karnan for R1 and R2

JUDGMENT

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

2.The claimants are the wife and the son. The deceased was aged 41 years. He was self employed. The error committed by the Tribunal is three fold. One, it should have added future prospects only at the rate of 25% and not 30%. Second, it should have adopted the multiplier 14 instead of 15. Third, it should have awarded 7.5% interest per annum instead of 9%. Therefore, the impugned award has to be reworked as under:

Pecuniary loss to the family	: Rs.8,40,000/-
Damages under conventional heads	: Rs. 70,000/-
Total	: Rs. 9,10,000/-

3.The award dated 23.11.2015 made in M.C.O.P.No.237 of 2010 on



the file of Motor Accident Claims Tribunal, Special District Court, Thanjavur is modified accordingly.

4.The appellant is directed to deposit the said compensation amount with interest at the rate of 7.5% per annum, from the date of petition, till the date of realization and costs, within a period of twelve weeks from the date of receipt of a copy of this order, less the amount already deposited, if any. On such deposit being made, the claimant is permitted to withdraw the said amount as apportioned by the Tribunal, less the amount already withdrawn by them, if any, by filing proper application before the Tribunal.

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

Sd/-

Assistant Registrar(T & P)

/True Copy/

Sub Assistant Registrar

To

The Special District Judge,
Motor Accident Claims Tribunal,
Thanjavur.

+1cc to Mr.G.KARNAN Advocate in SR. No. 89558

+1cc to Mr.P.PRABHAKARAN Advocate in SR. No. 89435

ARUL

JS/SKN.RSK/SAR.1/21.12.2017/2P-4C

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