



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2017

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.774 of 2015

and

M.P. (MD) No.1 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation,
Managiri Road,
Karaikudi Taluk,
Sivagangai District.

... Appellant/Respondent

Vs.

1.Amul Rani

2.Minor.A.Alex Ruban

3.Minor.Merlin Sheha

(The respondents 2 and 3 are minors
represented by their mother and
guardian the 1st respondent M.Amul Rani)

4.R.Siva Packiam

... Respondents/Petitioners

Prayer: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree made in M.C.O.P.No.228 of 2011 dated 11.11.2014 on the file of the Motor Accident Claims Tribunal / District Court, Sivagangai.

For Appellant : Mr.P.Prabhakaran

For Respondents : Mr.S.Srinivasa Raghavan

J U D G M E N T

Heard the learned counsel on either side.

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



3. The deceased had travelled in the footboard of the bus of the appellant Transport Corporation on 22.05.2011. He was aged about 38 years. He was self employed. Including the future prospects, the monthly income was fixed as Rs.9,000/-. The correct multiplier was applied. Since the deceased was found to have travelled in the footboard of the said bus, 10% contributory negligence was fixed on him. Even though a sum of Rs.12,00,000/- was fixed as compensation payable to the claimant, after deducting 10% on account of fastening of 10% negligence on the deceased, the sum of Rs.11,00,000/- was awarded to the claimant. This cannot be said to be excessive. There is no merit in this Civil Miscellaneous Appeal.

4. Accordingly, the order dated 11.11.2014 made in M.C.O.P.No.228 of 2011 on the file of the Motor Accident Claims Tribunal / District Judge, Sivagangai is confirmed.

5. The appellant Transport Corporation is directed to deposit the award amount of Rs.11,00,000/- with interest at 7.5% per annum and costs, from the date of petition till date of realization, 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 On such deposit, the claimants 1 & 4 are entitled to withdraw the amount, less the amount already withdrawn by them, if any, as apportioned by the Tribunal, by filing proper application before the Tribunal. The share of the minor claimants shall be deposited in any one of the Nationalised Bank in an interest bearing account and the natural guardian/mother of the minor claimants is permitted to withdraw the accrued interest once in three months directly from the Bank, till they attain majority.

6. Accordingly, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, M.P.(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Judge,
Motor Accident Claims Tribunal,



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

+1 cc TO Mr.P.Prabhakaran , Advocate in SR No. 89969

+1 cc TO Mr.S.Srinivasa Raghavan , Advocate in SR No. 89594

kmi

AE/KKR/SAR2/21.02.2018/3P/6C

C.M.A. (MD) No.774 of 2015
24.11.2017