



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2017

CORAM :

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANC.M.A. (MD) No.867 of 2015andM.P. (MD) No.1 of 2015

State Express Transport Corporation Limited
through its Managing Director
office at Pallavan Salai
Chennai.

... Appellant/Respondent

Vs.

1.Vijaya
2.Manikandan
3.Ivaraja

... Respondents/Petitioners

Prayer: Appeal filed under Section 173 of M.V.Act, 1988, to set aside the judgment and decree dated 06.12.2014 passed in M.C.O.P.No.736 of 2013 on the file of the Motor Accidents Claims Tribunal/IV Additional District Court, Tirunelveli.

For Appellant
For Respondents

: Mr.P.Prabhakaran
: Mr.T.Selvakumaran

JUDGMENT

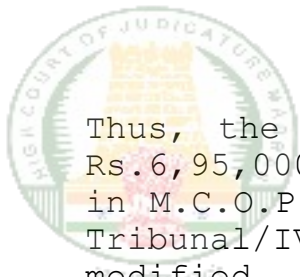
Heard the learned counsel on either side.

2.The appellant Corporation questions the award on the ground of quantum. The deceased died leaving behind the claimants, who are the wife and two children. The number of dependants being 3, 1/3 deduction must be made. But, in the present case, the Tribunal had effected 1/4 deduction. This is incorrect. The number of dependants being three, the deduction should have been 1/3. Therefore, the award has to be modified to that effect. On other findings, there is no need to make any interference. Accordingly, the compensation payable to the claimants is reworked as follows:

Loss of income Rs.3333 x 12 x 13	= Rs.5,19,948
For Transportation	= Rs. 5,000
For loss of consortium to wife	= Rs. 40,000
For funeral expenses	= Rs. 15,000
For loss of Love and Affection for children	= Rs. 50,000

Total = Rs.6,29,948

Rounded off=Rs.6,30,000



Thus, the compensation awarded by the Tribunal is reduced from Rs.6,95,000/- to Rs.6,30,000/-. The award dated 06.12.2014 passed in M.C.O.P.No.736 of 2013 on the file of the Motor Accidents Claims Tribunal/IV Additional District Court, Tirunelveli is accordingly modified.

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3.The appellant corporation is directed to deposit the entire compensation amount with interest at the rate of 7.5% per annum with costs, from the date of petition till the date of realization, within a period of eight weeks from the date of receipt of a copy of this order, less the amount already deposited, if any. On such deposit, the first respondent wife is entitled to Rs.3,50,000/- and the children are entitled to 50% each out of the remaining amount i.e. Rs.1,40,000/- each, less the amount already withdrawn by them, if any, by filing proper application before the Tribunal.

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

Sd/
Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

The Judge,
Motor Accidents Claims Tribunal/IV Additional District Court,
Tirunelveli.

Copy to:-

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

+One cc to Mr.P.Prabhakaran, Advocate, SR.No.85118

+One cc to Mr.T.Selvakumaran, Advocate, SR.No.85295

Arul
RL/5C/2P/MR/KKR/SAR1/20/12/2017

C.M.A. (MD) No.867 of 2015