



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 06.11.2017  
CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

C.M.A.(MD)No.940 of 2015  
and  
C.M.P(MD) .No.7875 of 2017

The Branch Manager,  
Tamil Nadu State Transport Corporation,  
Pillai Thanneer Pandal,  
Tirumayam Road,  
Pudukottai-622 001.

... Appellant

Vs.

1.Veeramani  
2.Karuppiah  
3.Rajeswari  
4.Sathaiah  
5.Subbulakshmi  
6.Radhika

... Respondents

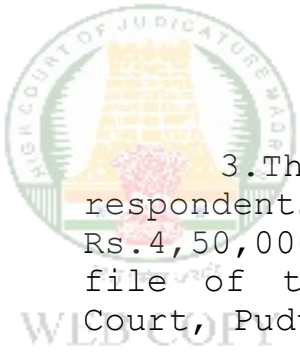
Prayer: This Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the decree passed by the Motor Accidents Claims Tribunal/Principal District Court, Pudukottai in M.C.O.P.No.350 of 2013, dated 16.03.2015.

For Appellant : Mr.D.Sivaraman  
For Respondents : Mr.N.Balakrishnan for R1,R3,  
R5, & R6

### JUDGMENT

Heard the learned counsel on either side.

2.The appellant Transport Corporation has filed this appeal on the ground of quantum. The deceased was aged about 27 years old. Since no income proof was filed, his income can be taken as Rs,6,000/- per month. Adding future prospects and applying multiplier 17, the pecuniary loss would come to Rs.8,86,800/-. Since contributory negligence was fixed, the same has to be divided by 50%. For funeral expenses and loss of estate, a sum of Rs.30,000/- can be awarded. However, the award can be rounded off to Rs.4,50,000/-. The Tribunal has awarded a sum of Rs.4,97,000/-. The claimants are not only the parents, but also the brothers and sisters. The parents are entitled to the compensation amount. Therefore the claimants father and mother share the said amount of Rs.4,50,000/- in equal share along with proportionate interest.



3. Therefore the compensation payable to the 1<sup>st</sup> and 2<sup>nd</sup> respondents will have to be reduced from Rs.4,97,000/- to Rs.4,50,000/-. The award made in M.C.O.P.No.350 of 2013 on the file of the Motor Accidents Claims Tribunal/Principal District Court, Pudukottai, dated 16.03.2015 is modified accordingly.

4. The appellant is directed to deposit the entire compensation amount of Rs.4,50,000- 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 claimants 1 and 2 are entitled to withdraw the same in equal share, less the amount already withdrawn by him, 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(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Motor Accidents Claims Tribunal/  
The Principal District Judge, Pudukottai.

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

+1cc to M/S.D.Sivaraman, Advocate SR.No. 85469

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TSG

JM/SV MMS/SAR 1/13.12.2017/2P/4C