

9% per annum from the date of petition to the claimants and the said sum has been directed to be shared by all the claimants, equally. Challenging the same, the appellants have come up with this appeal.

2.The finding of the Tribunal that the accident had occurred only due to the rash and negligent driving of the driver of the bus and the quantum of compensation awarded by the Tribunal, are not in dispute.

3.The first son of the deceased died during the pendency of the claim petition before the Tribunal and his legal heirs have been brought on record before the Tribunal itself. The other sons of the deceased have filed this appeal. The learned counsel for the appellants has disputed only with regard to the aspect of allotting equal share of the compensation amount to all the claimants, including the legal heirs of the deceased-Dhandapani. He submitted that the legal heirs of the deceased-Dhandapani are entitled to only the share to which the deceased Dhandapani was entitled. It is submitted that the Tribunal ought to have seen that the appellants herein are entitled to 1/4th share each, in the claim. It is also submitted that the Tribunal ought to have applied the provisions of Hindu Succession Act before allotting shares in the compensation amount, to the claimants.

4.This Court has also heard the submissions of the learned counsel for the third respondent / owner of the tractor and trailer.

5.Originally, the claim petition was filed by all the four sons of the deceased Anjalai. The Tribunal has awarded a sum of Rs.72,000/-, as total compensation, which includes amounts towards loss of income, loss of love and affection, loss of estate and funeral expenses in respect of the deceased Anjalai. At the time of death of the deceased Anjalai, all her sons were alive and only thereafter, the first son by name Dhandapani died and thereafter his legal heirs were brought on record. This Court finds considerable force in the submission made by the learned counsel for the appellants/ claimants. No doubt, the legal heirs of the deceased -Dhandapani are entitled to compensation, but since there were only four claimants at the relevant point of time, this Court is of the considered view that each of them are entitled to 1/4th of the compensation amount awarded by the Tribunal. Accordingly, each of the appellants / claimants are entitled to 1/4th of the compensation amount awarded by the Tribunal and in view of the death of the deceased Dhandapani, the respondents 5 to 7 herein, legal heirs of the deceased-Dhandapani, are entitled to 1/4th of the compensation amount, ie., the share to which the deceased Dhandapani was entitled. The judgment of the Tribunal is modified accordingly.

6.In the result, the Civil Miscellaneous Appeal is allowed.
No costs.

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

KM

To

1.The Additional Subordinate Judge,
Motor Accidents Claims Tribunal,
Tindivanam.

2.The Section Officer,
VR Section,
Madras High Court.

+1cc to Mr.D.Ravichandar , Advocate SR.No. 69601

C.M.A.No.1644 of 2006

A.SK(24/09/2020)