



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2019

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A(MD) .No.640 of 2019

and

C.M.P. (MD) .No.7879 of 2019

The Managing Director,
The Tamil Nadu State Transport Corporation,
Madurai. ... Appellant/
Respondent

Vs.

Kulanthaiammal (died)

- 1.Vasanth
- 2.Annapoorani
- 3.Ramu
- 4.Lakshmi
- 5.Suseela
- 6.Mangayarkarasi

Venkatesan (died)

- 7.Narmatha
- 8.Urmila
- 9.Kalavathi
- 10.Ramani
- 11.Geetha
- 12.Minor Harini
- 13.Minor Vinitha

... Respondent/
Petitioners / Claimants

(Minor respondents 12 and 13 are represented by their mother and natural guardian - 9th respondent herein)

PRAYER:- Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the award dated 10.10.2018 passed in M.C.O.P.No.192 of 2016 by the Motor Accident Claims Tribunal / District and Sessions cum Communal Clash Cases Court, Madurai.

For appellant : Mr.P.Prabhakaran

For respondents : Mr.T.R.Jeyapalam

JUDGMENT

This Civil Miscellaneous Appeal has been filed by the appellant/Transport Corporation against the award, dated 10.10.2018,
<https://hcservices.ecourts.gov.in/hcservices/>



passed in M.C.O.P.No.192 of 2016 by the Motor Accident Claims Tribunal / District and Sessions cum Communal Clash Cases Court, Madurai.

2. It is a case of fatal. On 24.07.2015 at about 8.30 hours, one Paranthangi, aged about 84 years, attempted to cross the Madurai-Ramanathapuram Main Road and at that time, the appellant/Transport Corporation bus, which was driven by its driver in rash and negligent manner, dashed against the said Paranthangi and he succumbed to the injuries. The respondents/claimants, who are the legal heirs of the deceased, have filed MCOP claiming compensation of Rs.5 lakhs. The Tribunal, after considering the oral and documentary evidence, has awarded Rs.2,40,000/- towards loss of dependency and Rs.15,000/- towards funeral expenses, totalling Rs.2,55,000/- as compensation with 9% interest per annum from the date of petition till the date of realization. The Tribunal directed the appellant/Transport Corporation to pay the entire compensation with interest. Aggrieved by the said award, the appellant/Transport Corporation has filed this appeal questioning quantum of compensation.

3. The learned counsel appearing for the appellant/Transport Corporation would submit that though the Tribunal has rightly fixed the age of the deceased as 87 years, it has adopted multiplier No.5, which is on the higher side and therefore, the same may be reduced. He would further submit that the rate of interest ie., 9% p.a. awarded by the Tribunal is also on the higher side and therefore, the same may be reduced. Thus, he prayed for reduction of the quantum of compensation.

4. The learned counsel appearing for the claimants submitted that as per the IInd Schedule of the Motor Vehicles Act, the Tribunal has rightly adopted multiplier No.5, considering the age of the deceased and therefore, the same need not be interfered with. So far as the rate of interest is concerned, the respondents have no objection in reducing the same to 7.5% p.a.

5. Heard the learned counsel for the appellant/Transport Corporation and the learned counsel for the claimants and perused the materials available on record.

6. It is seen that though the claimants have stated that the deceased was aged about 84 years at the time of the accident, the Tribunal has rightly fixed the age of the deceased as 87 years based on Ex.P4 - Legal Heir Certificate, Ex.P2- Postmortem Certificate and Ex.P3-Death Certificate. As rightly stated by the learned counsel for the claimants, as per IInd Schedule of the Motor Vehicles Act, the Tribunal has rightly adopted multiplier No.5 considering the age of the deceased. More over, it is seen that though the claimants have stated that the deceased was earning Rs.6,000/- p.m. by running a Grocery shop, the Tribunal has taken only Rs.4,000/- as notional income of the deceased. Therefore, this Court is not inclined to



interfere with the multiplier number adopted by the Tribunal and the award of Rs.2,40,000/- awarded by the Tribunal towards loss of dependency.

7. So far as the rate of interest awarded by the Tribunal is concerned, as rightly stated by the appellant/Transport Corporation, the rate of interest ie., 9% p.a. awarded by the Tribunal is on the higher side. The learned counsel appearing for the claimants has also fairly accepted the same. In all the motor accident cases, the award of interest at the rate of 7.5% p.a. is being uniformly followed and hence, the rate of interest awarded by the Tribunal in this case is reduced from 9% p.a. to 7.5% p.a. Except the above modification, this Court does not find any reason to interfere with the award passed by the Tribunal.

8. In view of the above, the compensation awarded by the Tribunal is confirmed, however, the rate of interest alone is reduced to from 9% p.a. to 7.5% p.a. The appellant/Transport Corporation is directed to deposit the total compensation amount of Rs.2,55,000/- with interest at the rate of 7.5% p.a. from the date of petition till the date of deposit, less the amount already deposited, if any, to the credit of the claim petition, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the major claimants are permitted to withdraw their respective shares as apportioned by the Tribunal by filing a permission petition before the Tribunal. The share of the minor claimants shall be deposited in a nationalized bank till they attain majority and the mother and natural guardian of the minor claimants is permitted to withdraw interest once in three months directly from the Bank.

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

Sd/-

Assistant Registrar

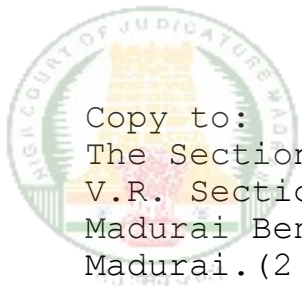
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Sub Assistant Registrar(CS)

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To

The Motor Accident Claims Tribunal /
District and Sessions cum Communal Clash Cases Court,
Madurai.



Copy to:
The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

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+1 CC to M/s.P.PRABHAKARAN, Advocate (SR-84059[F] dated 29/08/2019)

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-84490[F] dated 30/08/2019)

C.M.A(MD) .No.640 of 2019
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KK/SAR/16.10.2019/4P-6C/