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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2021

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

CMA No.161 of 2016
and
CMP No.1356 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation,
3/127, Sala Medu,
Vazhutha reddy,
Villupuram District.

... Appellant/Respondent

Versus

1. Radhika
2. Minor Santhosh
(rep.by.his mother & natural Guardian Radhika)
3. Sugari @ Suganthi
4. Saraswathi

... Respondents/Petitioners

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act against the judgment and decree dated 03.09.2015 made in M.C.O.P. No.867 of 2011 on the file of Motor Accident Claims Tribunal (Special District Judge) at Salem.

For Appellant : Mr.K.J.Sivakumar

For Respondents : Not ready in notice reg. R1 to R4

JUDGMENT

(Heard Video Conference)

This appeal has been filed by the Transport Corporation challenging the impugned award dated 03.09.2015 passed by the Motor Accidents Claims Tribunal, (Special District Judge), Salem in MCOP No.867 of 2011.



3. The details of the compensation awarded by the Tribunal under the impugned award are as follows :

4. Aggrieved by the award dated 03.09.2015 passed by the Motor Accidents Claims Tribunal, (Special District Judge), Salem in MCOP No.867 of 2011, this appeal has been filed by the Appellant / Transport Corporation.

6. This Court has perused the materials and evidence available on record before the Tribunal.

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since the deceased was aged 27 years at the time of the accident.

8. The Tribunal has awarded Rs.10,000/- each to the parents of the deceased, totally amounting Rs.20,000/- towards loss of love and affection of the deceased. The Tribunal has also awarded Rs.25,000/- towards funeral expenses and Rs.25,000/- towards loss of consortium to the first respondent / first claimant who is his wife. The Tribunal has also awarded a compensation of Rs.40,000/- to the minor child of the deceased. Thus, the total compensation awarded by the Tribunal at Rs.8,44,400/- to the respondents / claimants cannot be considered to be excessive, as alleged by the appellant/ Transport Corporation.

9. For the foregoing reasons, this Court does not find any merit in this appeal and accordingly, the Civil Miscellaneous Appeal shall stand dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10. The Appellant / Transport Corporation is directed to deposit the entire award amount awarded by the Tribunal together with interest at 7.5% p.a. from the date of claim petition till the date of realization, less the amount, if any, already deposited to the credit of M.C.O.P. No.867 of 2011 on the file of Motor Accident Claims Tribunal (Special District Judge) at Salem, within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal is directed to transfer the award amount directly to the bank account of the respondents 1st, 3rd and 4th / major claimants, as per the same ratio of apportionment made by the Tribunal, through RTGS, within a period of two weeks thereafter. Insofar as the share of the 2nd respondent / minor claimant is concerned, the same shall be deposited in Fixed deposit in any one of the Nationalised Banks, till he attains the age of majority and the interest accrued thereon shall be withdrawn by the guardian of the minor claimant once in three months, directly from the Bank.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi2



To

1. The Special District Judge
The Motor Accidents Claims Tribunal,
Salem.

+1cc to Mr.K.J.Sivakumar, Advocate, S.R.No.29554

CMA No.161 of 2016

GPL (CO)
SU (25/10/2021)