

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2021

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.3423 of 2013
and
M.P. No.1 of 2013

The Managing Director,
Tamil Nadu State Transport Corporation Ltd,
Railway station road,
Kumbakonam

...Appellant

VS.

1. Dhayalan

2. Lakshmi

...Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree passed by the Motor Accidents Claims Tribunal, Subordinate Judge, Mannarkudi, made in M.C.O.P. No.174 of 2012 dated 28.01.2013.

For Appellant : Mr. D. Venkatachalam
for Mr.G. Raman
Standing Counsel for TNSTC

For Respondents : Mr. D. Lakshmiopathy

JUDGMENT

(This case was heard through Video Conferencing)

This Appeal has been filed by the Transport Corporation challenging the award dated 28.01.2013 passed by the Motor Accident Claims Tribunal, Subordinate Court, Mannarkudi in M.C.O.P. No.174 of 2012.

2. Heard Mr.D. Venkatachalam, learned counsel for the Appellant / Transport Corporation and Mr. D.Lakshmipathy, learned counsel for the respondents.

3. This Court has perused and examined the impugned award before the Tribunal.

4. The Appellant Transport Corporation has challenged the impugned award only on the ground that the quantum of compensation awarded by the Tribunal is excessive.

5. The Tribunal under the impugned Award directed the Appellant Transport Corporation to pay a compensation of Rs. 4,70,747/- to the respondents/claimants as detailed hereunder:

Heads	Amount Awarded by the Tribunal in Rs.
Loss of love and affection to father	1,50,000/-
Loss of love and affection to mother	2,00,000/-
Attender Charges	1,400/-
Medical Expenses	1,41,347/-
Funeral Expenses	3,000/-
Transportation	2,000/-
Total	4,70,747/-

6. The accident happened on 23.03.2011. The deceased was a college student and was aged 21 years. In the claim petition, the respondents/ claimants have made a claim for Rs.10,00,000/- whereas the Tribunal has awarded a compensation of Rs.4,70,747/- as stated supra. Under the impugned award, the Tribunal has not awarded any compensation towards loss of dependency and future prospects. However, the Tribunal has awarded a compensation of Rs.1,50,000/- towards loss of love and affection to the father and Rs. 2,00,000/- towards loss of love and affection to the mother of the deceased. Though

the compensation awarded by the Tribunal under those heads may be on the higher side, this Court is of the considered view that since the Tribunal has not awarded any compensation towards loss of dependency and loss of future prospects to the respondents/ claimants, the overall compensation awarded by the Tribunal at Rs.4,70,747/- cannot be considered to be excessive. If the loss of dependency was assessed by the Tribunal and the compensation was also awarded towards loss of future prospects, the compensation payable to the respondents/ claimants would be much higher.

7. The Tribunal has also awarded a lesser compensation towards funeral expenses, transportation and attender charges. After giving due consideration to the aforementioned facts, this Court is of the considered view that the total compensation of Rs.4,70,747/- awarded by the Tribunal under the impugned award cannot be considered to be excessive as alleged by the Appellant Transport Corporation.

8. In the result, there is no merit in this Appeal. Accordingly, this Civil Miscellaneous Appeal is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

9. Accordingly, the Appellant Transport Corporation is directed to

deposit the amount awarded by the Tribunal, after deducting the amount already deposited if any, together with interest from the date of claim till the date of deposit and cost, to the credit of M.C.O.P.No.174 of 2012 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 / claimants through RTGS, within a period of two weeks thereafter as per the ratio of apportionment fixed by the Tribunal.

30.09.2021

ab/vsi2

Index: Yes/No

Internet: Yes/No

Speaking Order/Non-Speaking Order

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ABDUL QUDDHOSE, J.

ab

To

1. The Subordinate Judge,
Motor Accidents Claims Tribunal,
Mannarkudi.
2. The Section Officer,
V.R. Section,
High Court, Madras.

C.M.A.No.3423 of 2013
and
M.P. No.1 of 2013



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