



C.M.A.No.2353 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2022

CORAM:

THE HONOURABLE Ms. JUSTICE P.T.ASHA

C.M.A.No.2353 of 2022

and

C.M.P.No.18346 of 2022

The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division - I.

... Appellant

vs.

1.M.Dhanalakshmi

2.M.Hemanathan (Minor)

3.M.Devika (Minor)

(Minors are Rep. by mother 1st respondent).

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Judgment and Decree dated 15.12.2020 made in M.C.O.P.No.4692 of 2016 on the file of the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai.

For Appellant	: Mr.K.J.Sivakumar
For Respondents	: Mr.K.Varadhakamaraj [R1] R2 & R3 – Minors represented by R1.



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JUDGMENT

WEB COPY The Tribunal has filed the above appeal challenging the order passed by the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai in M.C.O.P.No.4692 of 2016, on the ground that the quantum of compensation granted is excessive.

2. Heard the learned counsel for the appellant and the learned counsel for the respondents.

3. When the matter came up for admission today, the learned counsel for the claimant is also present. After hearing the arguments of both the counsel it is noticed that the Tribunal has granted a sum of Rs.3,00,000/- (Rs.1,00,000/- each of the petitioners) under the head of Love and Affection. This amount is excessive and the same has to be reduced to a sum of Rs.1,20,000/-. The amounts granted under the other heads appears to be reasonable and does not require any interference. Therefore, the Compensation awarded by the Tribunal is reworked as below:



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<i>S.No.</i>	<i>Description</i>	<i>Amount awarded by Tribunal</i>	<i>Amount awarded by this Court</i>	<i>Award confirmed or enhanced or granted or reduced</i>
1	Pecuniary Loss	Rs.11,61,996/-	Rs.11,61,996/-	Confirmed
2	Loss of Estate	Rs. 15,000/-	Rs. 15,000/-	Confirmed
3	Funeral Expenses	Rs. 15,000/-	Rs. 15,000/-	Confirmed
4	Loss of Love & Affection including Consortium	Rs. 3,00,000/-	Rs. 1,20,000/-	Reduced
	TOTAL	Rs.14,91,996/-	Rs.13,11,996/-	

4. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation of Rs.14,91,996/- awarded by the Tribunal is hereby reduced to a sum of **Rs.13,11,996/-**. Therefore, the Appellant / Transport Corporation is directed to deposit the modified award amount now determined by this Court to the credit of M.C.O.P.No.4692 of 2016 on the file of the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai, together with interest @ 7.5% per annum from the date of claim petition till the date of deposit and costs, less, the amount, if any already deposited, within a period of four weeks from the date of receipt of a copy of this Judgement. On such deposit being made, the claimants are permitted



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to withdraw the amount now determined by this Court, as apportioned by the Tribunal, along with interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary application before the Tribunal. The share of the minors / 2 and 3 respondents shall be deposited in any one of the Nationalised Banks in fixed deposit under the reinvestment scheme initially for a period of three years. The interest accruing on the share of the minors / 2 and 3 respondents shall be paid to the mother of the minors, once in three months, till they attain majority. No costs. Consequently, connected miscellaneous petition is closed.

02.11.2022

Index : Yes/No
Speaking / Non-speaking order
ssn



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To:

1. The Motor Accident Claims Tribunal,
IV Court of Small Causes,
Chennai,
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.



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P.T.ASHA, J.,

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