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CMA.No.2190 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.10.2022

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THE HONOURABLE MS. JUSTICE P.T.ASHA

CMA.No.2190 of 2022

and

CMP.No.16985 of 2022

The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
3/137, Salamedu, Vazhuthareddy,
Villupuram.

... Appellant/Respondent

Vs.

1.V.Ambika
2.V.Balaguru
3.V.Deivanayagi

... Respondents/Petitioners

PRAYER : Appeal filed under Section 173 of the Motor Vehicle Act to set aside the Decree and Judgement dated 04.01.2022 made in MCOP No.3487 of 2017 on the file of the Motor Accidents Claims Tribunal, The Special Subordinate Judge at Cuddalore.

For Petitioner : Mr.K.J.Sivakumar

For Respondents : M/s.Ramya V.Rao [R.1 to R.3], Vide order dated 14/09/2022 in CMP.No.13575/2022.



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JUDGEMENT

The Transport Corporation has filed the above appeal challenging the award passed in MCOP No.3487 of 2017 by the Motor Accidents Claims Tribunal, the Special Subordinate Judge at Cuddalore on the ground that the compensation granted is on the higher side. They are particularly aggrieved by the compensation awarded under the head of loss of love and affection.

2. There are three petitioners who are the mother and the siblings of the deceased V.Sivaguru. They are each entitled to a compensation of Rs.40,000/- under this head of love and affection. The Tribunal has however awarded a sum of Rs.2,50,000/- under this head. Therefore, the the compensation granted under the head of love and affection is reduced from Rs.2,50,000/- to Rs.120,000/-. In all other respects, the award passed by the Tribunal below appears to be reasonable.

3. Therefore, the modified compensation would work out as follows;-



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S.No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)
1.	Loss of income	21,84,000/-	21,84,000/-
2.	Love and Affection	2,50,000/-	1,20,000/-
3.	Funeral Expenses	15,000/-	15,000/-
4.	Transport Charges	5,000/-	5,000/-
5.	Loss of estate	15,000/-	15,000/-
	TOTAL	25,93,000/-	23,39,000/-

4. Therefore, the Civil Miscellaneous Appeal is partly allowed and the award of the Tribunal be and hereby is reduced to a sum of Rs.**23,39,000/-** from Rs.**25,93,000/-** together with interest @ 7.5 % per annum from the date of petition till the date of deposit. In all other respects the award of the Tribunal is confirmed. The Transport Corporation is directed to deposit the said amount (Rs.**23,39,000** /-) to the credit of MCOP No.3487 of 2017 on the file of the Motor Accidents Claims Tribunal, The Special Subordinate Judge at Cuddalore together with interest @ 7.5% per annum from the date of claim petition till the date of deposit and costs as awarded by the Tribunal, less, the amount, if any already deposited, within a period of six weeks from the date of receipt of a copy of this Judgement. On such deposit being made, the claimants/petitioners are permitted to



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withdraw the award amount now determined by this Court as apportioned by the Tribunal along with interest and costs, after adjusting the amount if any already withdrawn. The Transport Corporation is permitted to withdraw the excess amount lying in the deposit to the credit of MCOP No.3487 of 2017 on the file of the Motor Accidents Claims Tribunal, the Special Subordinate Judge at Cuddalore, if the entire award amount has already been deposited by them. No costs. Consequently, the connected Miscellaneous Petition is closed.

12.10.2022

Index : Yes/No
Internet: Yes/No
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To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
3/137, Salamedu, Vazhuthareddy, Villupuram.
2. Motor Accidents Claims Tribunal,
the Special Subordinate Judge at Cuddalore.
3. The Section Officer,
V.R. Section,
High Court, Madras.



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P.T. ASHA, J,

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