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C.M.A.No.2161 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2022

CORAM:

THE HONOURABLE Ms. JUSTICE P.T.ASHA

C.M.A.No.2161 of 2022

and

C.M.P.No.16796 of 2022

The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
3/137, Salamedu, Vazhuthareddy,
Villupuram-605 602. ... Appellant

VS.

1.M.Subramani@Subramanian
2.Indira(mentally retarded)
3.K.Pavithra ... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Judgment and Decree dated 29.11.2021 made in M.C.O.P.No.2891 of 2017 on the file of the Motor Accident Claims Tribunal, The Special Subordinate Judge, Cuddalore District.

For Appellants : Mr.K.J.Sivakumar
For Respondents : Mrs.Ramya V.Rao



C.M.A.No.2161 of 2022

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JUDGMENT

The Transport Corporation is before this Court challenging the award passed by the Motor Accident Claims Tribunal, The Special Subordinate Judge, Cuddalore in M.C.O.P.No.2891 of 2017 on the ground of quantum.

2. Heard the learned counsel for the appellant and the learned counsel for the respondents/claimants and perused the materials on record.

3. On hearing the arguments of both sides, it is seen that the amount granted under the head of loss of love and affection has to necessarily be reduced from Rs.2,50,000/- to Rs.1,20,000/-. In all other aspects, the award appears to be reasonable. The income of Rs.13,000/- has been arrived at by taking note of the fact that deceased is a fisherman and would earn atleast a sum of Rs.20,000/- per month. The Tribunal has fixed the notional monthly income of Rs.13,000/- which appears to be reasonable. Therefore, except for reducing the amount under the head of loss of love and affection from Rs.2,50,000/- to Rs.1,20,000/-, in all other aspects, the award of the Tribunal remains unaltered. Therefore, the Compensation awarded by the



C.M.A.No.2161 of 2022

Tribunal is reworked as below:

S.No.	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	Loss of Income	Rs. 19,65,600/-	Rs. 19,65,600/-	Confirmed
2	Love and Affection	Rs. 2,50,000/-	Rs. 1,20,000/-	Reduced
3	Funeral Expenses	Rs. 15,000/-	Rs. 15,000/-	Confirmed
4	Transport Charges	Rs. 5,000/-	Rs. 5,000/-	Confirmed
5	Loss of Estate	Rs. 15,000/-	Rs. 15,000/-	Confirmed
	TOTAL	Rs. 22,50,600/-	Rs. 21,20,600/-	

4. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation of Rs.22,50,600/- awarded by the Tribunal is hereby modified to a sum of **Rs.21,20,600/-**. 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.2891 of 2017 on the file of the Motor Accident Claims Tribunal, the Special Subordinate Judge, Cuddalore District 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



C.M.A.No.2161 of 2022

a copy of this Judgement. On such deposit being made, the claimants are permitted 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. No costs. Consequently, connected miscellaneous petition is closed.

10.10.2022

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



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C.M.A.No.2161 of 2022

To:

1. The Motor Accident Claims Tribunal,
The Special Subordinate Judge,
Cuddalore.
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.



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C.M.A.No.2161 of 2022

P.T.ASHA, J.,

ssn

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