



C.M.A.No.2272 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.M.A.No.2272 of 2022

&

C.M.P.No.17453 of 2022

The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
No.3/137, Salamedu, Vashuthareddy Post,
Villupuram – 605 602. ...Appellant

Vs

1.R.Kala

2.A.Rajaram

3.R.Manju ... Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of

Motor Vehicles Act, 1988, against the Judgement and Decree dated

29.11.2021 made in M.C.O.P.No.1379 of 2017 on the file of the

1/7



C.M.A.No.2272 of 2022

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Motor Accident Claims Tribunal, the Special Subordinate Judge,
Cuddalore.

For Appellant : Mr.K.J.Sivakumar

For Respondents : Mrs.Ramya V. Rao

JUDGEMENT

The Transport Corporation has filed the above appeal challenging the award passed by the Motor Accident Claims Tribunal, Cuddalore, The Transport Corporation has challenged the quantum of compensation granted by the Tribunal below.

2. After hearing the learned counsels on the either side, the only clause where there appears to be an excessive compensation awarded is under the head of loss of Love and Affection.

2/7



C.M.A.No.2272 of 2022

WEB COPY

3. The Tribunal has awarded a compensation of Rs.2,50,000/- for the three petitioners who are the parents and the sister of the deceased Kalai Prathap. The said sum of Rs.2,50,000/- is reduced to a sum of Rs.1,20,000/-. In all other respects, the award appears to be reasonable.

4. The Tribunal has taken into consideration the fact that the deceased is a Fisher Man and that the accident had occurred in the year 2017, fixed the notional income at Rs.13,000/-. Considering the age of the deceased, which was 21 years, future prospects at the rate of 40% has been taken into account and multiplier of 18 has been adopted. The same appears to be in order.

5. The award of the Tribunal below is re-worked as follows:

3/7



C.M.A.No.2272 of 2022

<i>Head</i>	<i>Award of the Tribunal</i>	<i>Award of the High Court</i>	<i>Remarks</i>
Loss of Income	Rs.19,65,600/-	Rs.19,65,600/-	Confirmed
Loss of Love and Affection	Rs.2,50,000/-	Rs.1,20,000/-	Reduced
Funeral Expenses	Rs.15,000/-	Rs.15,000/-	Confirmed
Transport Charges	Rs.5,000/-	Rs.5,000/-	Confirmed
Loss of Estate	Rs.15,000/-	Rs.15,000/-	Confirmed
Total	Rs.22,50,600/-	Rs.21,20,600 together with interest @ 7.5% p.a.	Reduced

6. The appellant Transport Corporation is directed to deposit the award amount along with interest and costs, less the amount already deposited within a period of six weeks from the date of receipt of a copy of this Judgement, to the credit of M.C.O.P.No.1379 of 2017. On such deposit, the petitioners / respondents are permitted to withdraw their respective share of the award amount, as per the



C.M.A.No.2272 of 2022

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apportionment fixed by the Tribunal, along with proportionate interest and costs, less the amount if any, already withdrawn, by filing necessary application before the Tribunal.

7. The Civil Miscellaneous Appeal is partly allowed. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

18.10.2022

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Index : Yes/No
Speaking order/non-speaking order

To,

The Motor Accident Claims Tribunal,
Cuddalore.



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C.M.A.No.2272 of 2022

P.T.ASHA, J.,

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C.M.A.No.2272 of 2022



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C.M.A.No.2272 of 2022

18.10.2022