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C.M.A.No.2252 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

CORAM:

THE HONOURABLE Ms. JUSTICE P.T.ASHA

C.M.A.No.2252 of 2022

and

C.M.P.No.17337 of 2022

The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram)Ltd.,
Vilupuram Division-II,
Kanchipuram.

... Appellant

vs.

1.M.Sulthan
2.S.Arif Ali
3.S.Tahira Begam
4.S.Ansar
5.S.Shahans Begam

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Judgment and decree dated 06.12.2021 made in M.C.O.P.No.2275 of 2017 on the file of the Motor Accident Claims Tribunal, The Special Subordinate Judge at Cuddalore District.

For Appellant : Mr.K.J.Sivakumar

For Respondents : Mrs.Ramya V.Rao



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JUDGMENT

The Transport Corporation has challenged the award passed by the Motor Accident Claims Tribunal, Cuddalore, in M.C.O.P.No.2275 of 2017, wherein, the parents, husband and siblings of Abithabee has filed the above claim petition seeking compensation of a sum of Rs.25,00,000/- for the death of the said Abithabee in the accident on 22.04.2017. It is the case of the petitioners that she was riding pillion on the motor cycle which was driven by her husband, the claimant in M.C.O.P.No.2274 of 2017. The vehicle in which they were travelling had been hit by the bus belonging to the Respondent's Corporation.

2. The Transport Corporation is aggrieved by the fact that under the head of loss of love and affection, a sum of Rs,2,50,000/- has been awarded as against the sum of Rs.1,60,000/-. That apart, the amount awarded under the head of loss of consortium has to be enhanced to Rs.40,000/- as against the award of Rs.25,000/- granted by the Tribunal.

3. Heard the learned counsels on either side and perused the materials on record.



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4. Considering the limited grounds of appeal, this appeal is partly allowed and the amount granted under the head of loss of love and affection stands reduced to Rs.1,60,000/- and the amount granted under the head of loss of Consortium stands enhanced to Rs.40,000/-. Therefore, the Compensation awarded by the Tribunal is reworked as below:

<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	Loss of Income	Rs.17,16,000/-	Rs.17,16,000/-	Confirmed
2	Love & Affection	Rs. 2,50,000/-	Rs. 1,60,000/-	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
6	Loss of Consortium	Rs. 20,000/-	Rs. 40,000/-	Confirmed
	TOTAL	Rs.20,21,000/-	Rs.19,51,000/-	

5. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation of Rs.20,21,000/- awarded by the Tribunal is hereby Reduced to a sum of **Rs.19,51,000/-**. Therefore, the appellant / Transport Corporation is directed to deposit the modified amount of **Rs.19,51,000/-** to



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the credit of M.C.O.P.No.2275 of 2017 on the file of the Motor Accident

Claims Tribunal, Special Subordinate Judge at 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 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. The claimant is directed to pay the Court fee for the **modified** compensation amount, if required. The Tribunal below shall not disburse the enhanced amount till such time as the certified copy showing proof of payment of Court fee has been produced by the claimants. No costs. Consequently, connected miscellaneous petition is closed.

28.11.2022

Index : Yes/No

Speaking / Non-speaking order

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To:

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



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P.T.ASHA, J.,

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