



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CMA(MD)No.263 of 2016

B.Rani

... Appellant/Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport
Corporation Ltd,
Kumbakonam Division,
Periyamilaguparai.Trichy

... Respondent/Respondent

Prayer : Civil Miscellaneous Appeal is filed under Section 173(1) of Motor Vehicles Act, against the judgment and decree dated 21.04.2016 made in MCOP.No.4421 of 2013 on the file of Motor Accidents Claims Tribunal(Special District Judge), Trichy.

For Petitioner : Mr.K.Kumaravel

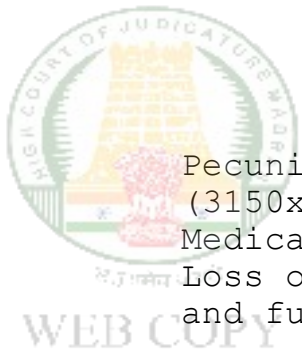
For Respondents : Mr.P.Prabhakaran

O R D E R

The claimant has filed this appeal seeking enhancement of the compensation awarded to her.

2.The claimant's only son Vinoth Kannan died in an accident on 01.06.2007. The Tribunal held that the bus belonging to the respondent corporation caused the accident and that the negligence will have to be fastened only on the bus driver. Since there was no furnishing of income proof, the monthly income was taken as Rs.4,500/-. The Tribunal awarded a sum of Rs.5,57,625/- as compensation. The Tribunal however did not taken into account the future prospects. Therefore, 40% future prospects will have to be added. The deceased was a bachelor. Therefore, after deducting half of it, the monthly income available for the family would be at Rs.3150/-. Since the deceased was aged 24 years, the multiplier 18 will have to be adopted.

3. Therefore, the compensation payable to the claimant will have to be reworked as under :



Pecuniary loss : Rs.6,80,400/-
(3150x12x18)
Medical expenses : Rs. 40,000/-
Loss of love and affection : Rs. 55,000/-
and funeral expenses

Total : Rs.7,75,400/-

4. Accordingly, dated 21.04.2016 made in MCOP.No.4421 of 2013 on the file of Motor Accidents Claims Tribunal/Special District Judge, Trichy is modified.

5. The respondent corporation is directed to deposit the entire compensation amount, with interest at the rate of 7.5% per annum, from the date of petition till the date of realisation and costs, within a period of eight weeks from the date of receipt of a copy of this order, less the amount already deposited, if any. On such deposit, the claimant is entitled to withdraw the same, less the amount already withdrawn by her, if any, by filing proper application before the Tribunal.

6. This appeal is partly allowed. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

The Motor Accidents Claims Tribunal/Special District Judge, Trichy.

Copy to:

The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.P.Prabhakaran, Advocate, SR.No. 90371

+1CC to Mr.K.Kumaravel, Advocate, SR.No. 90786

CMA(MD) No.263 of 2016
29.11.2017

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