



C.M.A(MD)No.1034 of 2013

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2024

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THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.1034 of 2013

M/s.Tamil Nadu State Transport
Corporation Limited,
Kumbakonam.

... Appellant

Vs.

1.Kalavathy
2.Minor Balamurali
3.Saradhambal

... Respondents

(Minor represented through his Mother/
Guardian, 1st respondent herein)

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the Judgment and Decree, dated 24.10.2008, made in M.C.O.P.No.374 of 2006, on the file of the Motor Accident Claims Tribunal / Sub-Court, Trichirappali.

For Appellant : Mr.M.Prakash

Respondents : No appearance



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JUDGMENT

The Transport Corporation has preferred this Civil Miscellaneous Appeal.

2. It is a case of fatal. The only ground raised by the Transport Corporation is that the deceased was aged about 42 and the applicable multiplier is 14. However, the Tribunal has erroneously taken the multiplier as 16. When the deceased is 42 years, then the applicable multiplier is 14, hence the Tribunal had erroneously fixed the multiplier. Therefore, that portion of the order is modified.

3. This Court is not interfering in other portion of the order except the above. The modified award amount by applying the multiplier 14 is tabulated under:

Sl. No.	Heads	Award granted by Tribunal	Award granted by this Court	Enhanced / Confirmed / Reduced
1.	Loss of Income	Rs.9,42,912/- (Rs.58,932/- *16)	Rs.8,25,048/- (Rs.58,932/- *14)	Reduced
2.	Loss of Consortium	Rs.10,000/-	Rs.10,000/-	Confirmed
3.	Loss of Love and Affection	Rs.30,000/-	Rs.30,000/-	Confirmed
4.	Funeral Expenses	Rs.3,000/-	Rs.3,000/-	Confirmed
5.	Transport	Rs.2,000/-	Rs.2,000/-	Confirmed
	Total	Rs.9,87,912/- rounded off to Rs.9,87,910/-	Rs.8,70,048/- rounded off to Rs.8,70,050/-	Reduced



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Therefore, this Court is reducing the award amount granted by the Tribunal from Rs.9,87,910/- to Rs.8,70,050/- as stated supra.

4.The appellant Transport Corporation is directed to deposit Rs.8,70,050/- (Rupees Eight Lakh Seventy Thousand and Fifty only) with interest at the rate of 7.5% per annum and costs to the credit of M.C.O.P., on the file of claims Tribunal, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the claimants are permitted to withdraw their shares (the claimants 1 to 3 are entitled to Rs. 4,35,050/-, Rs.3,48,000/- and Rs.87,000/- respectively) with proportionate accrued interests and costs, less the amount already withdrawn by them, if any, by filing appropriate application before the Tribunal. The Tribunal is directed to deposit the share of the minor child in a nationalized bank until the child attains majority. The first respondent herein, who is the mother/guardian, is permitted to withdraw the interest amount once in three months. Once the minor claimant attains majority, he is permitted to withdraw his share with accrued interests.



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5. With the above said directions, the Civil Miscellaneous Appeal is allowed. No costs.

13.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

1. Motor Accident Claims Tribunal /
Sub-Court, Trichirappali.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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