



C.M.A(MD)No.500 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.01.2024

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THE HON'BLE MR.JUSTICE S.SRIMATHY

C.M.A(MD)No.500 of 2021 and
C.M.P.(MD)Nos.4385 and 4386 of 2021

The Managing Director,
State Express Transport Corporation (SETC),
Thiruvalluvar Nagar,
Pallavan Salai, Chennai.

... Appellant

Vs.

1.Malliga
2.Reshma
3.Minor Subhaneeshkumar
4.Minor Sarani Shree
5.Nagalakshmi

... Respondents

(Minor respondents 3 and 4 represented by their mother and natural guardian 1st respondent)

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the order passed in M.C.O.P.No.46 of 2019 on the file of MACT (Principal District and Sessions Court), Ramanathapuram, dated 07.01.2020.

For Appellant : Mr.P.M.Vishnu Varthan
Standing Counsel
For R1, 2 and 5 : Mr.S.A.Ajmal Khan
R3 and 4 : Minors represented by R1

JUDGEMENT

The Civil Miscellaneous Appeal is filed by the Transport



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Corporation. It is a case of fatal. The only point that was canvassed by the appellant is that the deceased is a fisherman and his income is fixed as Rs.10,000/- which is on a higher side.

3.This Court is of the considered opinion that the minimum salary fixed for any employment is Rs.8,000/-. Therefore, this Court is of the considered opinion that Rs.10,000/- is the appropriate fixation of salary for fisherman. Hence, no legally sustainable grounds were raised. Hence, the award is confirmed. The appellant is directed to deposit the award amount i.e., Rs.18,05,000/- towards compensation with interest @ 7.5% per annum and costs, less the sum 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their shares with proportionate accrued interests and costs in the ratio fixed by the Tribunal, less the amount already withdrawn by them, if any, by filing proper application before the Tribunal. The Tribunal is directed to deposit the shares of the minor children in a nationalized bank until they attain majority. The first respondent herein, who is the mother/guardian, is permitted to withdraw the interest amount once in three months.



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4.Hence, the Civil Miscellaneous Appeal is dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

18.01.2024

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

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To

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1. MACT (Principal District and Sessions Court),
Ramanathapuram.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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Order made in
C.M.A(MD)No.500 of 2021

18.01.2024