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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2024

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THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.451 of 2021

and

C.M.P.(MD)No.3964 of 2021

Tamilnadu State Transport Corporation
(Kumbakonam) Limited,
represented by its Managing Director,
Trichy.

... Appellant

Vs.

1.Bharathi

2.Minor Anusri

3.Minor Thignesh

4.Ramaye

... Respondents

[Minor 2 & 3 respondents are represented through their mother and natural guardian of the 1st respondent herein]

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.90 of 2019 dated 04.10.2019 on the file of Motor Accident Claims Tribunal (Additional Sessions Court), Karur.

For Appellant : M/s.P.M.Vishnuvarathan

For Respondents : Mr.K.Sudalaiyandi



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JUDGEMENT

The Transport Corporation has filed preferred this Appeal to set aside the impugned award passed in M.C.O.P.No.90 of 2019 dated 04.10.2019 on the file of the Motor Accident Claims Tribunal (Additional Sessions Court), Karur.

2. It is a case of fatal. The contention of the Transport Corporation is that the Tribunal has awarded Loss of Consortium to the first claimant wife of the deceased to the tune of Rs.40,000/-. For love and affection for four persons, the Tribunal has granted Rs.2,00,000/-. The Tribunal has rightly granted consortium to the first claimant / wife and under the head of love and affection is erroneous. Therefore, considering the said claim, this Court is confirming Rs.40,000/- under the head of Loss of Consortium to the first claimant/wife. However, under the head of Loss of Love and Affection, this Court is reducing from Rs.2 Lakhs to Rs.1,20,000/- (3 x Rs.40,000/-) which is appropriate.

4. To that extent, the award amount granted by the Tribunal is modified and the rest of the award granted under various heads are hereby confirmed.



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5. Accordingly, the claimants are entitled for compensation as follows:

S. No.	Description	Amount awarded by		Award confirmed / enhanced / granted
		Tribunal	this Court	
1.	For Loss of income	Rs.12,24,000/-	Rs.12,24,000/-	confirmed
2.	For Filial Consortium	Rs. 40,000/-	Rs. 40,000/-	confirmed
3.	For Love and Affection (3 x Rs.40,000/-)	Rs. 2,00,000/-	Rs. 1,20,000/-	reduced
4.	For loss of cloth and articles	Rs. 15,000/-	Rs. 15,000/-	confirmed
5.	For Funeral expenses	Rs. 15,000/-	Rs. 15,000/-	Confirmed
6.	For medical expenses as per bill	Rs. 23,200/-	Rs. 23,200/-	Confirmed
Total		Rs.15,17,200/-	Rs.14,37,200/-	

From the compensation of **Rs.15,17,200/-** granted by the Tribunal, this Court is reducing a sum of **Rs.14,37,200/-**, as compensation.

6. Accordingly, this Civil Miscellaneous Appeal is partly allowed.

The claimants are entitled to a sum of **Rs.14,37,200/-** as compensation with interest at 7.5% p.a., from the date of claim petition till the date of realization along with costs. The 1st claimant is entitled to a sum of Rs.8,37,200/- and the minor claimants 2 & 3 are entitled to a sum of Rs.2,00,000/- each and the 4th claimant is entitled to a sum of Rs.2,00,000/- as compensation. The Transport Corporation is directed to deposit the said compensation amount, within a



period of 12 weeks from the date of receipt of a copy of the Order, if not deposited. After depositing the amount, the 1st and 4th claimants are permitted to withdraw their respective share as per Law. The share of the minor claimants 2 & 3 is to be deposited in anyone of the Nationalized Bank till they attain majority. The 1st claimant/mother is permitted to withdraw the interest amount of the deposited amount of the minor claimants 2 & 3. No Costs. Consequently, connected miscellaneous petition is closed.

01.02.2024
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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

- 1.The Motor Accident Claims Tribunal
(Additional Sessions Court),
Karur.
- 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.451 of 2021
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