



**C.M.A(MD).No.430 of 2019**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED: 25.04.2024

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

C.M.A.(MD).No.430 of 2019

and

C.M.P.(MD)No.5241 of 2019

The Tamil Nadu State Transport Corporation,  
Madurai Zone, Pazhanganatham,  
Bye Pass Road,  
Madurai.

Through its Managing Director.

... Appellant/Respondent

VS

1.Minor Atchaya

2.Minor Arunthathi

3.Thangamuniyandi

(Minor Respondents 1 & 2 through their

father and Guardian of the 3<sup>rd</sup> respondent) ... Respondents/Petitioners

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 Motor Vehicles Act, as against the judgment and decree dated 26.07.2018 passed in M.C.O.P.No.16 of 2016 on the file of the Motor Accident Claims Tribunal, (Subordinate Judge), Aruppukottai.

For Appellant : Mr.K.Sudalaiyandi

For Respondents : No appearance



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## **JUDGMENT**

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The instant appeal has been filed by the State Transport Corporation, challenging the award passed in M.C.O.P.No.16 of 2016 on the file of Motor Accident Claims Tribunal, (Subordinate Judge), Aruppukottai, primarily on the ground of quantum.

2. The third claimant's wife had passed away in the motor accident and the claim petition came to be filed seeking compensation of Rs.30,00,000/- (Rupees Thirty Lakhs only) by her two minor children and the husband. The Tribunal had fixed the quantum of compensation at Rs.14,59,136/- (Rupees Fourteen Lakhs Fifty Nine Thousand One Hundred and Thirty Six only) with interest at the rate of 9.0% p.a. The present appeal has been filed by the Transport Corporation, primarily challenging the rate of interest and the quantum of compensation awarded under the head 'loss of consortium'.

3. The perusal of the award indicates that there are three claimants. For the loss of consortium to the husband of the deceased, a sum of



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Rs.1,00,000/- (Rupees One Lakh only) has been awarded and for the loss of love and affection to both the minor children, each a sum of Rs.1,00,000/- (Rupees One Lakh only) has been awarded. Totally, a sum of Rs.3,00,000/- (Rupees Three Lakhs only) has been awarded towards loss of love and affection and loss of consortium.

4. Even though the claimant has been served, there is no representation either in person or through Counsel.

5. The Tribunal ought not to have awarded an interest at the rate of 9% p.a., and therefore interest is reduced from 9% p.a. to 7.5% p.a., as per the judgment of the Hon'ble Supreme Court. For the loss of consortium, each one of the claimants are entitled to a sum of Rs.40,000/- (Rupees Forty Thousand only) and therefore, only a sum of Rs.1,20,000/- (Rupees One Lakh Twenty Thousand only) could be awarded in total to all the claimants. However, a sum of Rs.3,00,000/- (Rupees Three Lakhs only) has been awarded. Therefore, under the head loss of consortium, the compensation is reduced from Rs.3,00,000/- (Rupees Three Lakhs only) to Rs.1,20,000/- (Rupees One Lakh Twenty Thousand only).



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6. In view of the above said facts, the total compensation is reduced from Rs.14,59,136/- to Rs.12,79,136/-. The said compensation will carry an interest at the rate of 7.5% p.a., from the date of the claim petition. In other aspects, the award of the Tribunal stands confirmed. Therefore, this Civil Miscellaneous Appeal is partly allowed to the extent as stated above. Consequently, the connected miscellaneous petition is closed.

**25.04.2024**

Internet: Yes/No

Index: Yes/No

RJR

To

The Subordinate Judge,  
The Motor Accident Claims Tribunal,  
Aruppukottai.



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**R.VIJAYAKUMAR, J.**

RJR

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