



C.M.A(MD)No.132 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.132 of 2022

and

C.M.P.(MD)Nos.1238 and 5069 of 2022

M/s.Tamilnadu State Transport Corporation Limited,  
Represented by its General Manager,  
No.2, Thiruvananthapuram Road,  
Vannarapettai,  
Tirunelveli.

... Appellant

Vs.

1.Ravi  
2.Latha Kumari  
3.Renjitha

... Respondents

**PRAYER:** Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the order and decretal order, dated 05.03.2019, passed in M.C.O.P.No.363 of 2018, on the file of the Motor Accident Claims Tribunal (IV Additional District Judge) Tirunelveli.

For Appellant : Mr.R.Rajamohan  
For Respondents : Mr.R.Ponkarthikeyan

\*\*\*\*\*



*C.M.A(MD)No.132 of 2022*

WEB COPY

## **JUDGMENT**

This Civil Miscellaneous Appeal is preferred by the Transport Corporation.

2.It is a case of fatal. The deceased was driving a two-wheeler on the extreme left side of the road. However, the Transport Corporation Bus which came in the opposite direction in high speed in a rash and negligent manner and dashed the two-wheeler motor vehicle. The deceased sustained grievous injury and was admitted in the Hospital, subsequently, he succumbed to the injuries. Hence, the claimants filed a petition for compensation to the tune of Rs. 1,00,00,000/-. After considering the facts and circumstances and the evidences, the Tribunal has awarded Rs.38,79,067/-

3. The contention of the Transport Corporation is that the deceased was studying Physiotherapy Course and he had not even completed the Course, moreover he was only 19 years old. Hence, the fixation of notional salary to the tune of Rs.23,000/- per month by the Tribunal is on a higher side. Further, the Tribunal has taken 40% as future prospects.

4. Considering the nature of the education and the course underwent by the



WEB COPY

deceased and the fact that he was a student and also taking into consideration of age of the deceased, this Court is of the considered opinion that the notional salary ought to be fixed as Rs.19,000/- and hence the fixation of notional salary by the Tribunal as Rs.23,000/- is on a higher side. Therefore, this Court is reducing the salary portion alone to the tune of Rs.19,000/-. The other heads of the Tribunal award are confirmed. The modified compensation granted by this Court is as under:

|                                                  |                                |             |
|--------------------------------------------------|--------------------------------|-------------|
| i.                                               | Monthly income of the deceased | Rs.19,000/- |
| ii.                                              | Future prospects (40%)         | Rs.7,600/-  |
| Total income                                     |                                | Rs.26,600/- |
| 50% of income deducted towards personal expenses |                                | Rs.13,300/- |
| After deduction of personal expenses             |                                | Rs.13,300/- |

| Sl.No.                                          | Head of Compensation                    | Modified award granted by this Court | Award granted by the Tribunal |
|-------------------------------------------------|-----------------------------------------|--------------------------------------|-------------------------------|
| 1.                                              | Loss of Dependency<br>(Rs.13,300*12*18) | Rs.28,72,800/- (reduced)             | Rs.34,77,600/-                |
| 2.                                              | Loss of Love and Affection              | Rs.1,50,000/- (confirmed)            | Rs.1,50,000 /-                |
| 3.                                              | Medical Expenditure                     | Rs.2,21,467/- (confirmed)            | Rs.2,21,467/-                 |
| 4.                                              | Funeral Expenses                        | Rs.15,000/- (confirmed)              | Rs.15,000/-                   |
| 5.                                              | Loss of Estate                          | Rs.15,000/- (confirmed)              | Rs.15,000/-                   |
| <b>Total compensation granted by this Court</b> |                                         | <b>Rs.32,74,267/- (reduced)</b>      | <b>Total = Rs.38,79,067/-</b> |



*C.M.A(MD)No.132 of 2022*

WEB COPY

5.The appellant Transport Corporation is directed to deposit Rs.32,74,267/- 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 (claimants 1 to 3 are entitled to Rs.13,00,000/-, Rs.13,00,000/- and Rs.6,74,267/- respectively) with proportionate accrued interests and costs, less the amount already withdrawn by them, if any, by filing appropriate application before the Tribunal.

6. With the above said directions, the Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

**01.02.2024**

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

Tmg



*C.M.A(MD)No.132 of 2022*

To

WEB COPY

1.Motor Accident Claims Tribunal /  
(IV Additional District Judge) Tirunelveli.

2.The Section Officer,  
Vernacular Section,  
Madurai Bench of Madras High Court,  
Madurai.



WEB COPY



*C.M.A(MD)No.132 of 2022*

**S.SRIMATHY, J.**

Tmg

C.M.A(MD)No.132 of 2022

01.02.2024