



C.M.A(MD)No.330 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.330 of 2022

and

C.M.P.(MD)No.3006 of 2022

The Branch Manager,
Tamilnadu State Transport Corporation Limited,
Pudukottai,
(Kumbakonam Division).

... Appellant

Vs.

1.Sumathi
2.Minor.Dharani
3.Minor.Sushmitha
4.Minor.Nithyasri
5.Minor.Dhanusri

(2 to 5 minor respondents represented by
their mother/guardian 1st respondent)

6.Rengasamy
7.Dhanasha Valli

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the order, dated 11.01.2021, passed in M.C.O.P.No. 480 of 2018, on the file of the MACT (Principal District Judge), Pudukottai.

For Appellant : Mr.P.M.Vishnuvarthanan
For R1 to R7 : Mr.D.Ramesh Kumar



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JUDGEMENT

The Transport Corporation has filed this Civil Miscellaneous Appeal.

2. It is a case of fatal. The contention of the Transport Corporation is that the deceased is a Load-Man, however, the Tribunal has fixed the notional monthly income as Rs.13,700/-. The date of accident is 09.04.2018. For any person, notional monthly income is fixed as Rs.8,000/- without any evidence. In the present case, since the deceased was working as Load-Man, Rs.10,000/- would be the appropriate fixation of notional monthly income. But the Tribunal has fixed Rs.13,700/- which is on a higher side.

3. Therefore, this Court is inclined to modify the notional monthly income as Rs.10,000/- per month.

Loss of Income is calculated as under:

Monthly income + 40% future prospects

Rs.10,000 + 40% = Rs.10,000/- + Rs.4,000/-

Loss of Income = Rs.14,000/- * 12 * 17 * 4/5
= Rs.22,84,800/-



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This Court is reducing the loss of income to Rs.22,84,800/- from Rs.31,30,176/-.

The amount granted under other heads by the Tribunal are confirmed. The total compensation is reduced to Rs.23,94,800/- from Rs.32,40,176/-.

Loss of Income	:	Rs.22,84,800/-
Loss of Estate	:	Rs.15,000/-
Funeral Expenses	:	Rs.15,000/-
Filial Consortium	:	Rs.40,000/-
Consortium to 1 st petitioner	:	Rs.40,000/-
Total Compensation	:	Rs.23,94,800/-

4.The appellant is directed to deposit Rs.23,94,800/- 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 twelve 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 appropriate application before the Tribunal. The Tribunal is directed to deposit the share of the minor children in a nationalized bank until the children attains majority. The first respondent herein,



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who is the mother/guardian, is permitted to withdraw the interest amount once in three months. Once the minor claimants attains majority, the claimants shall withdraw the amount by filing appropriate application before the Tribunal.

5.With the above said observations, the Civil Miscellaneous Appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

16.02.2024

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

Tmg

To

1.MACT / (Principal District Judge),
Pudukottai.

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



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S.SRIMATHY, J.

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