



C.M.A(MD)No.244 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.244 of 2022

and

C.M.P.(MD)No.2242 of 2022

The Managing Director,
No.12, Ramakrishna Road,
The Tamil Nadu State Transport Corporation,
Salem Town.

... Appellant

Vs.

1.M.Renuka
2.M.Asok Kumar
3.S.Shanthi

A.Patchayammal (Died)

4.A.Yesuraj

... Respondents

*(Since 4th respondent is the Driver of the
appellant Transport Corporation, notice may be
dispense with as no claim against him)*

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree, dated 15.10.2019, passed in M.A.C.O.P.No.1128 of 2015 on the file of the Motor Accident Claims Tribunal (Special District Judge), Tiruchirapalli.



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For Appellant : Mr.K.Sudalaiyandi
R1 : Died
For R2 and 3 : Mr.R.Govindaraj
R4 : Notice dispense with

JUDGEMENT

This Civil Miscellaneous Appeal is filed by the Transport Corporation. It is a case of fatal.

2. The appellant tried to convince this Court that there is negligence on the part of the deceased as well. But the Tribunal had considered the plea of the Corporation and had rendered a finding that the negligence is on the part of the driver of the bus. The appellant has not submitted any new fact to rebut the finding. Further it is a case of fatal and hence this Court is not inclined to accept the version of the appellant.

3. However, the learned Counsels appearing for the appellant as well as the respondents submitted that the deceased is survived by wife,



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son and daughter. But during the pendency of this Civil Miscellaneous Appeal the wife (1st respondent) died and the learned Counsel appearing for the respondents 2 and 3 has filed a memo to this effect. The Tribunal has granted parental consortium as Rs.50,000/- for son and daughter each, which is on a higher side. The parental consortium shall be awarded only to the tune of Rs.40,000/- each and accepting this plea the consortium granted to the tune of Rs.50,000/- each is reduced as Rs. 40,000/- each. This Court is modifying the compensation as under:

Head	Amount
Loss of Dependency	Rs.3,36,000/-
Consortium to 1 st petitioner, wife of the deceased.	Rs.40,000/-
Parental Consortium to the 2 nd and 3 rd petitioners, the son and daughter of the deceased Rs.40,000/- each ie., (40,000*2=80,000)	Rs.80,000/-
Transport Expenses	Rs.12,000/-
Medical Expenses	Rs.10,21,813/-
Loss of Estate	Rs.15,000/-
Funeral Expenses	Rs.15,000/-
Total	Rs.15,19,813/-

Hence, the total compensation of Rs.15,39,813/- is reduced to Rs. 15,19,813/-. Since the wife died during pendency of CMA, the son and daughter shall apportion the compensation equally. Hence, the claimants



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2 and 3 (respondents 2 and 3) shall share the compensation equally.

4. The appellant is directed to deposit the modified sum of Rs. **15,19,813/-** with interest at the rate of 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 being made, the claimants are permitted to withdraw in equal apportionment with accrued interests and costs, less the amount already withdrawn by them, if any, without filing any application before the Tribunal.

5. With the above said modification in the parental consortium and the apportionment of the compensation, the rest of the award is confirmed. The Civil Miscellaneous Appeal is partly allowed as stated supra. No costs. Consequently, connected miscellaneous petition is closed.

24.01.2024

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

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- 1.Motor Accident Claims Tribunal
(Special District Judge), Tiruchirapalli.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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