

ITEM NO.9

COURT NO.10

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 12140/2014

(Arising out of impugned final judgment and order dated 30/10/2013 in CMA No. 2033/2013 passed by the High Court Of Madras)

KARPAGAMBAL & ORS

Petitioner(s)

VERSUS

M.D TAMIL NADU STATE TRANSPORT COR. LTD
(with office report)

Respondent(s)

Date : 24/01/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. K.V. Jagdishvaran, Adv.
Ms. G. Indira, Adv.

For Respondent(s) Mr. R. Ayyam Perumal, Adv.
Ms. Enakshi Mukhopadhyay, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

Appeal is allowed to the extent indicated in the signed order.

(NEELAM GULATI)
COURT MASTER

(SUMAN JAIN)
COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 929 OF 2017
(Arising out of SLP(C) No. 12140 of 2014)

KARPAGAMBAL & ORS.

Appellant(s)

VERSUS

M.D TAMIL NADU STATE TRANSPORT
CORP. LTD

Respondent(s)

O R D E R

Leave granted.

This appeal is against the judgment and Order passed by the learned Single Judge of the High Court of Judicature at Madras in C.M.A. No. 2033 of 2013 on 30th October, 2013. The facts leading to the present appeal are as follows:

M. Dhanasekar (since deceased) aged 21 years of age, died in an accident while he was travelling on a motorcycle with the bus belonging to the M.D. Tamil Nadu State Transport Corporation Ltd.

-Respondent (hereinafter referred as

'the Corporation'). A case was registered against the driver for the alleged offence under Sections 279 and 304A of the Indian Penal Code (in short 'the IPC'). The appellants (mother and sisters of the deceased) filed a claim petition claiming compensation against the respondent herein alongwith interest and costs in the Motor Accidents Claims Tribunal, Chennai (in short 'the Tribunal'). The Tribunal by Judgment and decree dated 09.02.2013 awarded a sum of Rs.9,35,928/- with interest at the rate of 7.5% per annum in respect of loss of dependency and a sum of Rs.30,000/- (Rupees thirty thousand only) under customary head.

Aggrieved by the said order the Corporation filed a Criminal Misc. Application in the High Court of Judicature at Madras. High Court of Judicature at Madras by its Judgment dated 30.10.2013 reduced the sum awarded by the Tribunal in respect of loss of dependency from Rs.9,35,928/- (Rupees nine lakhs thirty five thousand nine hundred and twenty eight only) to Rs.4,86,000/- (Rupees four lakhs eighty six thousand only) and enhanced the sum under customary head from Rs. 30,000/- (thirty thousand only) to Rs.

1,35,000/- (Rupees one lakh thirty five thousand only). Aggrieved by the said order appellants filed this appeal.

After hearing the learned counsel for the parties, we are of the opinion that the sum awarded by the Tribunal with respect to loss of dependency i.e a sum of Rs.9,35,928/- (Rupees nine lakhs thirty five thousand nine hundred and twenty eight only) is appropriate. However under customary head sum of Rs.30,000/- (Rupees thirty thousand only) is on lower side. For funeral expenses, loss of love and affection, Loss of expectancy of life, we feel that sum awarded by the High Court to be appropriate i.e. of Rs.1,35,000/- (one lakh thirty five thousand only). Thus computing the total sum comes to Rs.10,70,928/- (Rupees ten lakhs seventy thousand nine hundred and twenty eight only). The amount shall carry the interest at the rate of 7.5% from the date of filing of the claim petition till its realisation.

With the aforesaid modification, let payment be made to the appellants within a period of three months from today.

Appeal is allowed to the aforesaid extent.

.....J
(ARUN MISHRA)

.....J
(AMITAVA ROY)

NEW DELHI
JANUARY 24, 2017