

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2015

CORAM

THE HONOURABLE MR. JUSTICE V.RAMASUBRAMANIAN
and
THE HONOURABLE MR. JUSTICE T.MATHIVANAN

C.M.A.No.1114 of 2015

and

M.P.No.1 of 2015

The Managing Director,
M/s.Tamil Nadu State Transport
Corporation Limited,
Kumbakonam Division-II) Ltd.,
Periya Melakuparai,
Trichy-1

... Appellant/Respondent

vs.

1.Susila
2.Ganapathy
3.Valambal

... Respondents/Petitioners.

Civil Miscellaneous Appeal preferred against the judgement and decree dated 29.11.2013, passed by the Motor Accident Claims Tribunal, Principal District Judge, Perambalur, in M.C.O.P.No.414 of 2011.

For Appellant

Mr.D.Venkatachalam

For Respondents

Mr.T.Gopinath for
M/s.Royan Law Associates

JUDGMENT

(Judgement of the Court was delivered by V.RAMASUBRAMANIAN,J.)

This appeal is by the State Transport Corporation, challenging an award passed by the Motor Accident Claims Tribunal, Principal District Judge, Perambalur.

2. Heard Mr.D.Venkatachalam, learned counsel for the appellant and Mr.T.Gopinath, learned counsel, who takes notice on behalf of the respondents.

3. In a road traffic accident that happened on 22.2.2011, the husband of the first respondent, by name, Ramesh, died. Respondents 2 and 3 are the parents of the deceased. The deceased had married the first respondent only on 12.2.2010. In other words, the marital life lost just for about a year and a few days. Claiming that the deceased was aged 33 years at the time of the accident and was employed as an Electrical Supervisor, earning a monthly income of Rs.35,000/- per month in Baharain, the respondents filed a claim petition claiming a total amount of Rs.25 lakhs towards compensation. The Tribunal, by an award dated 29.11.2013, fixed the monthly income at Rs.12,000/- and after applying the multiplier 16, arrived at the total amount of compensation payable as Rs.14,45,400/- (Rupees fourteen lakhs forty five thousand four hundred only). As against the said award, the Transport Corporation has come up with the above civil miscellaneous appeal.

4. The main objection of the learned counsel for the appellant to the award of the Motor Accident Claims Tribunal is that the Tribunal fixed the monthly income of the deceased at Rs.12,000/- without any proof to show that he was employed as Electrical Supervisor in Baharain. According to the learned counsel for the appellant, the fixation of Rs.12,000/- was completely arbitrary and without any evidence on record.

5. It is true that no income certificate was produced by the respondents before the Tribunal. But the respondents produced the original Passport as Exhibit P.11. The Original Passport contained a Visa endorsement of Bahrain authorities that showed that the deceased had a valid work Visa to work in Baharain upto 27.11.2011. The accident happened on 22.2.2011. Therefore, at least the fact that the deceased was employed in Bahrain stood established by the respondents.

6. The respondents claimed that the monthly income was Rs.35,000/-. But the Tribunal went on a very conservative estimate fixing at only Rs.12,000/- per month. It is common knowledge that for the purpose of earning Rs.12,000/- per month, no one would go to Bahrain. Therefore, this finding, if at all, could have been assailed only by the respondents and not by the appellant.

7. In view of the above, we find no reason to interfere with the award of the Tribunal. Hence, this civil miscellaneous appeal is dismissed. No costs. Connected miscellaneous petition is dismissed.

msk

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

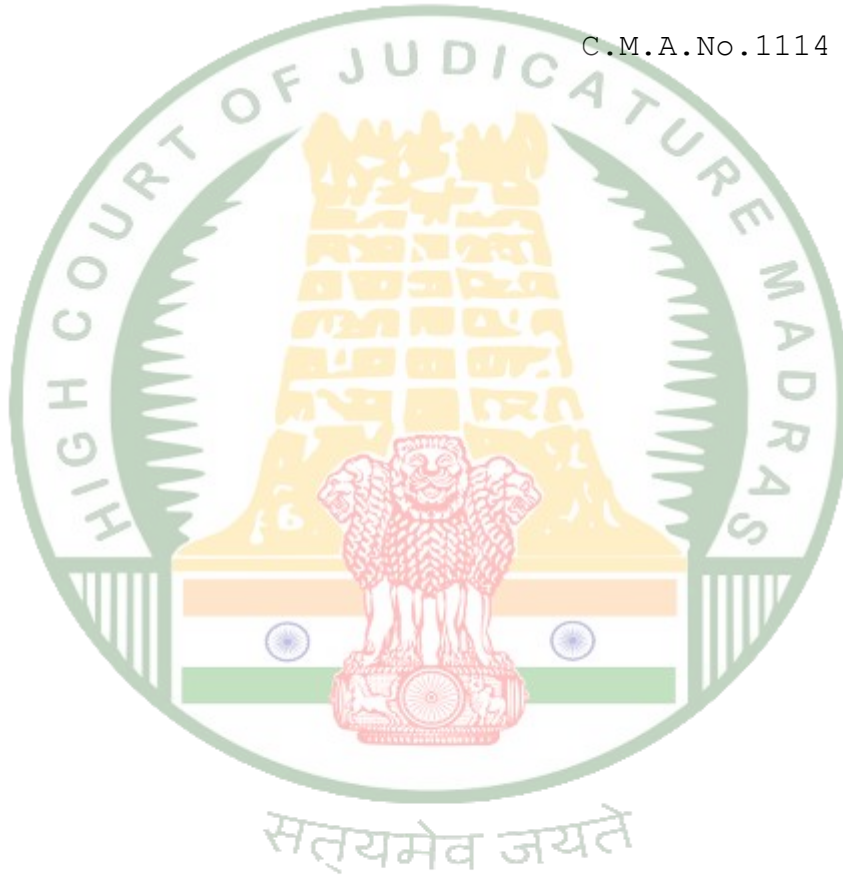
The Motor Accident Claims Tribunal,
Principal District Judge, Perambalur.

+ 1 cc to M/s.Royan Law Associates, Advocate SR 28936

+ 1 cc to Mr.D.Venkatachalam, Advocate SR 29046

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