

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2015

CORAM :

THE HONOURABLE MS. JUSTICE K.B.K.VASUKI

C.M.A. No. 1505 of 2015
and
M.P. No.1 of 2015

The Managing Director
Metropolitan Transport Corporation Ltd.,
Pallavan House,
Anna Salai, Chennai -2. Appellant

vs.

1. Mahalakshmi
2. Subbulakshmi
3. Subbiah Respondents

PRAYER : Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the Decree and Judgment made in M.C.O.P No.2571 of 2012 dated 30.06.2014 on the file of the Motor Accidents Claims Tribunal (Chief Court of Small Causes), Chennai.

For appellant : Mr. S. Sivakumar

JUDGMENT

The respondent Transport Corporation before the Tribunal is the appellant herein.

2. The present appeal is filed against the award of compensation of Rs.12,47,000/- payable with interest at the rate of 7.5% per annum, to the legal representatives of one Kumaresan, who was the victim of the fatal accident involving the bus owned by the Transport Corporation. The Tribunal, having regard to the age of the deceased who was the son of the petitioners 2 and 3 and the nature of his avocation and his monthly earning and the dependency of the claimants, awarded the compensation of Rs.12,47,000/- under the following heads :

Sl. No.	Heads	Amount granted
1.	Loss of dependency	Rs. 11,52,000.00
2.	Loss of consortium to wife	Rs. 25,000.00
3.	Loss of loss & affection to the petitioners 1 to 3 (Rs.10,000/- each)	Rs. 30,000.00
4.	Loss of Estate	Rs. 10,000.00
5.	Transport Expenses	Rs. 5,000.00
6.	Funeral Expenses	Rs. 25,000.00
	Total	Rs. 12,47,000.00

The present appeal is filed questioning the correctness of the quantum of compensation, which according to the appellant is highly excessive and arbitrary one.

3. This Court, considering the material factors stated above and considering the oral and documentary evidences adduced by both the sides, is of a firm view that the order of the Tribunal cannot be found fault with, as such this Court finds no reason to entertain the present appeal.

4. Learned Standing counsel appearing for the appellant Transport Corporation, at this stage has brought it to the notice of this Court that the claimants have filed an appeal for enhancement of the compensation and the same is pending at the SR stage. This Court makes it clear that the dismissal of this appeal is, without prejudice to the right of both the parties, to contest the appeal filed by the claimants, for the enhancement of compensation.

5. With such observation, the present Civil Miscellaneous Appeal is dismissed. Consequently, the connected M.P is closed. No costs.

Sd/
ASSISTANT REGISTRAR (CO)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

avr

To

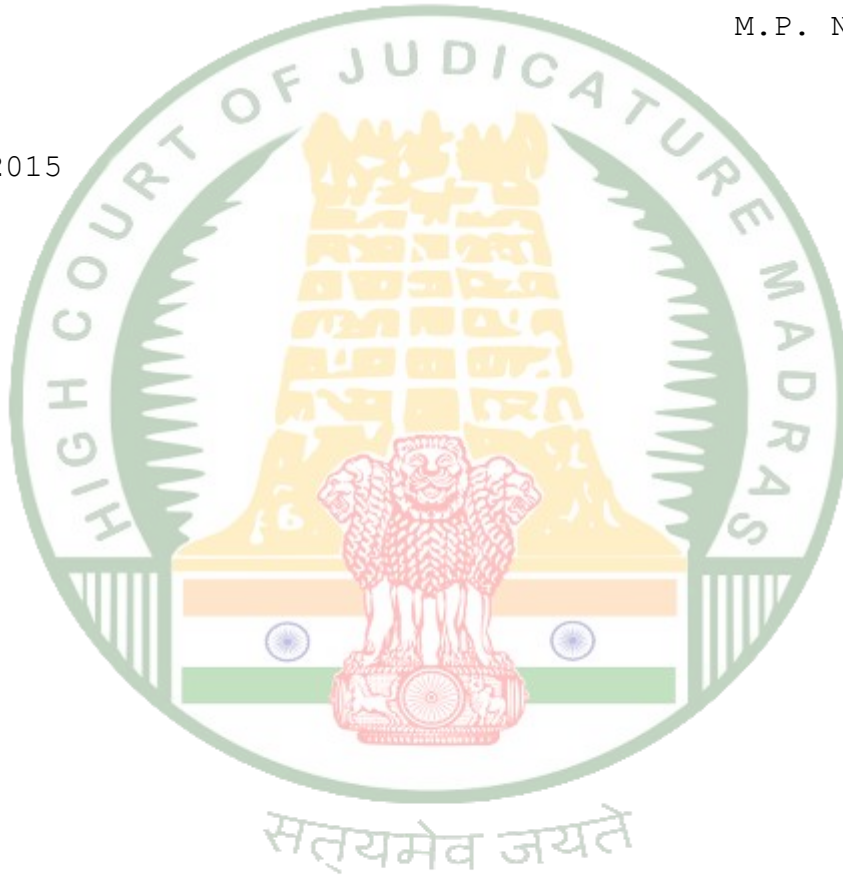
The Motor Accident Claims Tribunal
Chief Court of Small Causes, Chennai.

+1 CC to MR.K.Varadha Kamaraj Advocate. SR.NO.40682

+1 CC to MR.S. Sivakumar Advocate. SR.NO. 40988

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CO-LRS
JD 28/12/2015



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