

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2015
C O R A M

THE HONOURABLE Ms.JUSTICE K.B.K.VASUKI

C.M.A.No.1528 of 2015
and
M.P.No.1 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
No.3/137, Salamedu,
Vazhuthareddy, Villupuram -605 602 ...Appellant/Respondent
Vs.

1. Pavunu
2. Baskar
3. Valarmathi
4. Thenmozhi ... Respondents/Petitioners

PRAYER:

Civil Miscellaneous Appeal filed against the judgment and decree, dated 24.10.2013 passed in M.C.O.P.No.1363 of 2010, on the file of the Motor Accident Claims Tribunal, Principal District Judge, Cuddalore.

For Appellant : Mr.K.J.Sivakumar
For Respondents : Mr.R.Sridhar

JUDGEMENT

This Civil Miscellaneous Appeal is taken up for final disposal at the stage of admission itself, on consent of both sides.

2. The respondent/State Transport Corporation before the Tribunal is the appellant herein, and this Appeal is filed against the award of compensation of Rs.4,80,000/- to the claimants.

3. The Claim Petition was filed by the widow, son and married daughters of one Rajangam, who was the victim of the fatal accident. The said Rajangam was, at the time of the accident, aged about 55 years, and, he was working as Mason and was the only earning member of the family.

4. The Tribunal, having regard to the age and nature of avocation carried on by the deceased, fixed the monthly income at Rs.5,000/-, and accordingly, determined the compensation at

Rs.4,80,000/- under the following heads:-

i) Loss of Dependency	: Rs.4,40,000/-
ii)Loss of Consortium to the first petitioner/wife	: Rs.10,000/-
iv)Loss of Love and Affection for the second petitioner/son	: Rs.10,000/-
vi)Transport & Funeral Expenses	: Rs.20,000/-

Total	Rs.4,80,000/-

5. Questioning the correctness of the quantum of compensation and on liability aspect, it is contended before this Court that the findings rendered by the Tribunal about the cause of the accident as due to the rash and negligence of the Transport Bus driver on the basis of the evidence of P.W.1/wife and P.W.2/eye witness, is totally erroneous, and the Tribunal ought not to have looked into the evidence of P.W. 1 and P.W.2 to ascertain the cause of the accident.

It is further contended that the claimants have not adduced proper evidence to prove the age and income of the deceased. This Court is not inclined to accept the objections raised herein. All the findings rendered by the Tribunal regarding the cause of the accident, and regarding the material factors relevant for determining the income of the deceased and loss of dependency of the claimants 1 and 2 are only after due appreciation of evidence, both, oral and documentary adduced on the side of the claimants, and no ground is made out herein to disagree with such findings as tainted with infirmity or irregularity. As there is no objection, much less, serious objection raised against the quantum of compensation, the impugned award is liable to be confirmed, and stands confirmed.

6. In the result, this Civil Miscellaneous Appeal stands dismissed. The appellant/Transport Corporation is directed to deposit the entire award amount with proportionate interest and costs, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the claimants are permitted to withdraw the entire amount as apportioned by the Tribunal by filing necessary Cheque Petition. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar (CSII)
dt:8/10/2015

True Copy

Sub-Assistant Registrar

To

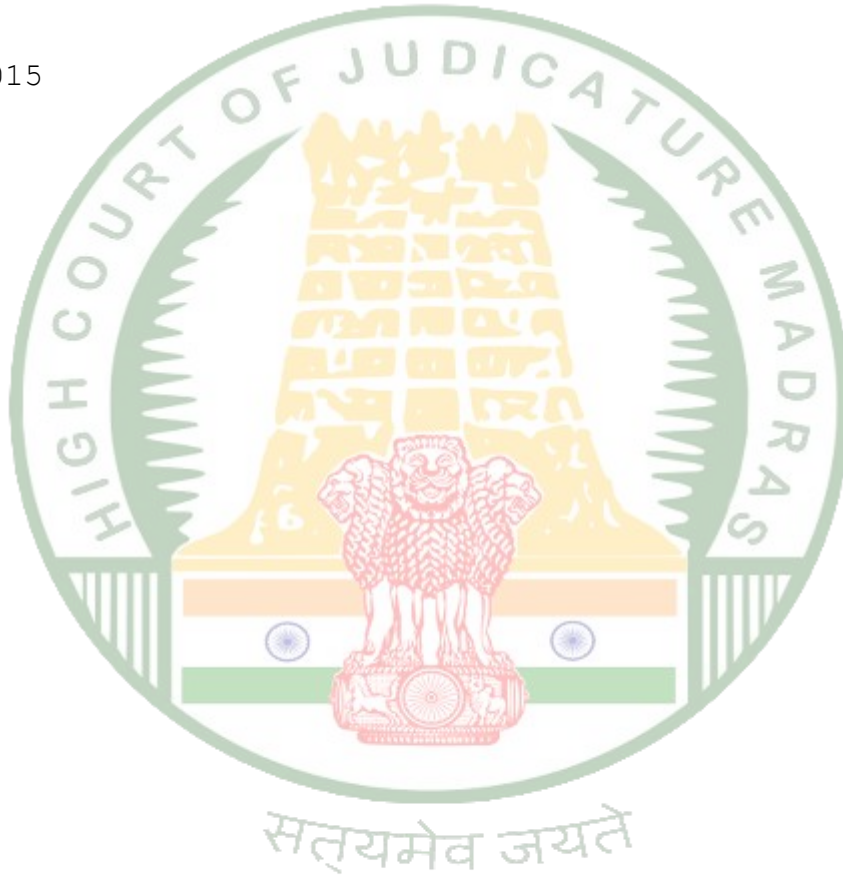
The Motor Accident Claims Tribunal,
Principal District Judge, Cuddalore.

+1 cc to Mr.K.J.Sivakumar, Advocate sr.40204

+1 cc to Mr.R.Sreedhar, Advocate sr.40446

C.M.A.No.1528 of 2015

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