

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2015

CORAM :

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

C.M.A. No. 1697 of 2015 and
M.P.No.1 of 2015

The Managing Director
Tamil Nadu State Transport Corporation Ltd.,
Salemedu (Villupuram Division-I)
Villupuram District. Appellant/Respondent
vs.
Amsa Respondent/Petitioner

PRAYER : Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1989, against the Judgment and Decree passed by the Motor Accident Claims Tribunal, Gingee (The Subordinate Judge, Gingee) made in MACTOP. No.82 of 2011 dated 5.7.2014.

For appellant : Mr. P.Paramasiva Doss

JUDGMENT

The respondent/State Transport Corporation is the appellant herein.

2. The grievance raised in this appeal is against the quantum of compensation awarded by fixing the age of the deceased as 24 years and by adopting the multiplier of '17'.

3. It is sought to be argued before this Court that the age of the deceased was in column III of the petition, mentioned as 30 years and as such, the finding that he was aged about 24 years at the time of accident rendered by the Tribunal is without any basis.

4. This Court finds no merits in the objections raised so herein. It may be true that the age of the deceased is mentioned as 30 years whereas the claimants, who are his parents in the same claim petition stated to be aged about 45-46 years. If that is so, the age of the deceased could not have been 30 years. Further, the age of the deceased was mentioned as 24 years in the post mortem certificate filed by the Doctor. Based on the assessment as above stated, the Tribunal rightly fixed the age as 24 years and accordingly, adopted the multiplier of '17' and determined the loss of dependency of the claimants.

5. This Court finds no error or infirmity in such finding and no valid ground is made out to interfere with the impugned order. As such the appeal is not liable to be entertained.

6. In the result, the the Civil Miscellaneous Appeal stands dismissed. The appellant/Transport Corporation is directed to deposit the entire award amount with proportionate interest and costs after deducting the amount already deposited, within four weeks from the date of receipt of a copy of this judgment. On such deposit, the respondent/claimant is permitted to withdraw the entire award amount along with interest, on filing cheque petition. Consequently, connected miscellaneous petition is closed. No costs.

kua

s/d-
Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

Motor Accident Claims Tribunal, Gingee
The Subordinate Judge, Gingee)

+ 1 cc to Mr.P.Paramasivadoss, Advocate SR 40832

pa(co)
prk9/10

C.M.A. No. 1697 of 2015

सत्यमेव जयते

WEB COPY