

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2015

CORAM

THE HON'BLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Civil Miscellaneous Appeal No.1865 of 2015
M.P.No.1 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation,
(Villupuram) Limited,
Salamedu, Villupuram ...Appellant/Respondent

Vs.

1.Bhuvaneswari
2.Minor Kiruthik Pranav
3.Minor Lithish Abinav
(Minors are Represented by their
next friend and mother 1st Responden)
4.Dhandayuthapani
5.Baby ...Respondents/Petitioner

Appeal against the judgment and decree dated 17.12.2014 in
M.C.O.P.No.762 of 2013 passed by the Motor Accidents Claims Tribunal
(Special District Court for Motor Accident Claims Cases), Krishnagiri.

For Appellant : Mr.P.Paramasiva Doss

J U D G M E N T

(Judgment of the Court was delivered by S.MANIKUMAR,J.)

This civil miscellaneous appeal arises out of the award dated 17.12.2014 made in M.C.O.P.No.762 of 2013, whereby, the Motor Accidents Claims Tribunal (Special District Court for Motor Accident Claims Cases), Krishnagiri, awarded a compensation of Rs.20,33,000/- with interest, at 7.5% per annum for the death of one Saravanan, in a motor accident said to have taken place on 02.02.2013 at 2.15 p.m.

2. A claim petition in M.C.O.P.No.762 of 2013 has been filed by the claimants, viz., wife, minor children and parents of the deceased, claiming a compensation of Rs.25,00,000/- for the death of the deceased Saravanan, in the accident, and resisted by the

appellant Corporation.

3. The Tribunal, after framing the issues, decided the claim petition, in favour of the claimants. The Tribunal held that the accident in question had occurred on 2.2.2013 only due to the rash and negligent driving of the bus belonging to the appellant/Transport Corporation, and as a result of the same, the victim succumbed to injuries. The Tribunal has also held that the claimants are entitled to compensation and determined a sum of Rs.20,33,000/- as compensation.

4. The learned counsel appearing for the appellant/corporation, apart from denying the negligence on the part of its driver, also contended that the award of Rs.20,33,000/- is highly excessive.

5. The Tribunal, based on the oral evidence adduced on the side of claimants, duly corroborated by P.W.2, held that the driver of the bus has driven the vehicle rashly and negligently and has rightly concluded that the driver of the bus was negligent in causing the accident and hence, decided that the appellant Transport Corporation is liable to pay compensation to the claimants, for the death of Saravanan in the accident. Going through the materials and record, we do not find any infirmity, in the order of the Tribunal.

6. Coming to the question of quantum, the Tribunal, based on the evidence, oral and documentary, has found that the deceased aged 35, at the time of accident, was running a cell phone service and recharge shop, as could be seen from Exs.P1 to P17, Ex.P7 to P11, earned a sum of Rs.10,000/- per month and has fixed his contribution to the family at Rs.8000/- per month, and adopting the multiplier 16, arrived the loss of dependency at Rs.15,36,000/-.

7. Besides, the Tribunal awarded Rs.1,00,000/- towards loss of consortium to the first claimant, Rs.1,00,000/- towards loss of love and affection to the claimants 2 and 3 each, who have lost their father, at the age of 4 and 2 respectively, and awarded Rs.25,000/- each to the claimants 4 and 5/the parents of the deceased, Rs.10,000/- towards the transportation expenses, Rs.1,12,000/- towards the medical bills and Rs.25,000/- towards funeral expenses to the claimants. In all, the Tribunal has awarded, a sum of Rs.20,33,000/- which, in our considered view, cannot be stated to be excessive.

8. We therefore of the view that the amount awarded by the Tribunal is just and proper and the same is based on the oral and documentary evidence. Hence the civil miscellaneous appeal is dismissed. No costs. Consequently, connected miscellaneous petition is dismissed.

-Sd/-

Assistant Registrar(cs-II)

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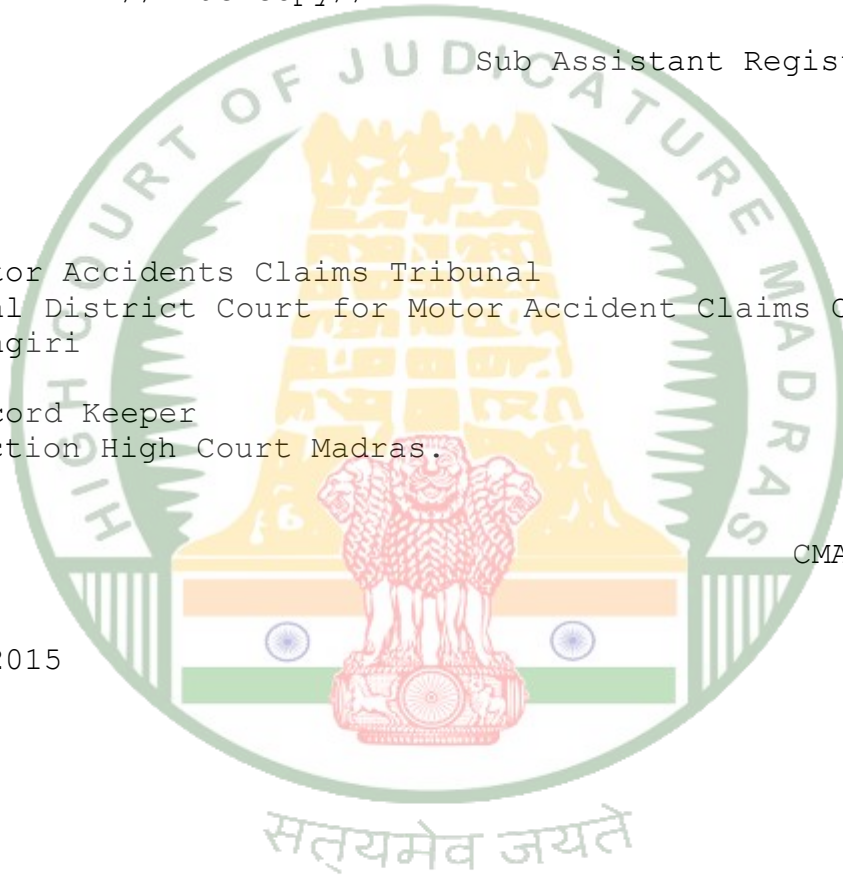
Sub Assistant Registrar

To

1. The Motor Accidents Claims Tribunal
(Special District Court for Motor Accident Claims Cases),
Krishnagiri
2. The Record Keeper
V.R. Section High Court Madras.

CMA No.1865 of 2015

rsi(co)
cp 29/09/2015



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