

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.11.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND
THE HONOURABLE MR.JUSTICE C.T.SELVAM

C.M.A. No.3233 of 2013

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

-v-

1.Sumathi
2.M.R.Ravichandran
3.Minor Ezhil Rani
4.Ranganayaki ... Respondents/Petitioners

Appeal filed under Section 173 of Motor Vehicles Act against the award dated 17.12.2012 made in M.C.O.P. No.450 of 2010 on the file of Motor Accidents Claims Tribunal, Principal District Judge, Cuddalore.

For Appellant : Mr.S.Sairaman

For Respondents : Mr.R.Subramanian

JUDGMENT

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

This appeal is filed by the Transport Corporation challenging the quantum of compensation awarded by the Motor Accidents Claims Tribunal, Principal District Judge, Cuddalore in and by an award dated 17.12.2012 made in M.C.O.P. No.450 of 2010.

2.According to the claimants, on 08.02.2009, at about 8.45 p.m., while the deceased Ramachandran, the husband of the first^t respondent and the father of respondents 2 and 3 and the son of fourth respondent and one Rajendran were proceeding from East to West towards their village on the Kollukarankkuttai to Kattukoodalur Main Road in a T.V.S.50 bearing Reg. No.T.N.31 E 8791, at a moderate speed, near Pudukulam, the bus bearing Reg. No.T.N.31 N 2274 came from west towards eastern direction in a rash and negligent manner dashed against the TVS 50 and caused the accident. As a result, Ramachandran and Rajendran were

thrown out and in which they sustained fatal and grievous injuries respectively. They were taken to Panruti Government Hospital where Ramachandran was declared dead and Rajendran was sent to Government Hospital, Cuddalore for further treatment.

3.The appellant insurance company resisted the claims made by the claimants in all aspects by filing a counter before the Tribunal.

4.However, after analyzing the materials and evidence available on record, the Claims Tribunal found that the accident had occurred only due to rash and negligent act of the driver of the bus and fastened liability on the insurance company. The Tribunal awarded a total compensation of Rs.13,15,000/- to the claimants with interest at the rate of 6% per annum from the date of petition till the date of realisation.

5.Aggrieved by which, the insurance company has before this Court by way of this appeal.

6.Learned counsel appearing for the appellant insurance company submitted that the Tribunal without considering the evidence, awarded higher compensation, hence, prayed for reduction.

7.Learned counsel for claimants/respondents 1 to 4 submitted that the claimants had lost the sole bread winner of their family. The Tribunal after analysing the materials available on record awarded just compensation and hence, it does not warrant any interference.

8.We have heard both sides and perused the materials available on record.

9.On a perusal of the record reveals that the Tribunal has fixed monthly contribution to the family of the deceased Ramachandran by him at Rs.10,000/- and applied multiplier 14 and awarded Rs.12,60,000/- towards general compensation. That apart, the Tribunal awarded Rs.40,000/- towards loss of love and affection and Rs.2,500/- towards funeral expenses and also a sum of Rs.2,500/- towards transport expenses and the first respondent was awarded a sum of Rs.10,000/- as consortium in addition to the regular compensation payable. Totally, the tribunal awarded Rs.13,15,000/- as compensation to the claimants.

10.Considering the submissions made on both sides, we are of the view that the Tribunal after analysing the materials available on record, has awarded a reasonable amount, as per law. Hence, we have no intention to interfere with the quantum of compensation awarded by the tribunal. Therefore, the appeal

deserves to be dismissed and accordingly, the appeal is dismissed.

11. In the result, the Civil Miscellaneous Appeal is dismissed, confirming the award dated 17.12.2012 made in M.C.O.P. No.450 of 2010 on the file of Motor Accidents Claims Tribunal, Principal District Judge, Cuddalore. The insurance company is directed to deposit the award amount with interest, as decided by the Tribunal, less the amount if any already deposited, within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the claimants are permitted to withdraw their respective shares as apportioned by the tribunal. Since the third respondent attains majority, she is permitted to withdraw her respective share as apportioned by the Tribunal, after filing appropriate petition. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

sd/-
Assistant Registrar (CCC)

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Sub-Assistant Registrar

vga

To

1. Motor Accidents Claims Tribunal,
Principal District Judge, Cuddalore
2. The Section Officer, V.R. Section,
High Court, Madras

+1 CC to MR.R.Subramanian Advocate. SR.NO.62552
+1 CC to MR.Sairaman Advocate. SR.NO. 62299

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C.M.A. No.3233 of 2013

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JD 02/02/2016

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