

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A.NO.481 of 2015

and

M.P.No.1 of 2015

Tamil Nadu State Transport Corporation
(VPM) Limited,
Thiruvannamalai Region,
Rep.by its Managing Director,
46D, Tondrampet road,
Thenimalai,
Thiruvannamalai.

... Appellant/Respondent

Vs.

1.Mari
2.Minor.Roshini
3.Minor.Sivaranjani

(Minors 2 & 3 are represented by R1 mother) ... Respondents/Petitioner

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree passed by the Motor Accident Claims Tribunal, (Additional District Court) Krishnagiri in M.C.O.P.No.466 of 2010 dated 08.03.2012 for awarding compensation.

For Appellant : M/s.G.Muniratnam

JUDGMENT

This appeal has been preferred by the Transport Corporation against the award of Rs.4,48,000/- as compensation for the death of one Madhaiyan, in the accident occurred on 25.08.2009, while he was riding the motorcycle, which got colluded with the appellant/Transport Corporation bus. Hence, the claim petition was filed by the respondents.

2. The Tribunal came to the conclusion because of the negligence of the rider of the two wheeler, the accident occurred. However, taking into consideration, the petition filed under Section 163(A) where the negligence aspect is not required to gone into, the Tribunal took monthly income at Rs.3,000/- p.m. and deducted 1/3

towards personal expenses, determined the loss of income at Rs.4,08,000/-applying multiplier 17 as per the age of the deceased including other amounts. Totally a sum of Rs.4,48,000/- was awarded as compensation.

3. A perusal of the award would show that the reasonable amount was taken into consideration and award was passed rightly by applying right multiplier and other amounts. Therefore, there is no need to interfere with the awarding of compensation.

4. In the result, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

5. The appellant-Transport Corporation is directed to deposit the entire award amount along with interest and costs within a period of four weeks from the date of receipt of a copy of this order. On such deposit being made, the claimants are entitled to withdraw the respective shares as fixed by the Tribunal within a period of one week except minor shares which shall be deposited in the interest bearing fixed deposit.

6. However, it is made clear that the observations and findings given by this Court, is only to the disposal of the appeal filed by the Transport Corporation and it will not bar the claimants to prefer the appeal.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

kkd

To

The Motor Accident Claims Tribunal,
(Additional District Court) Krishnagiri.

1 cc to M/s.G.Muniratnam , Advocate Sr.No.16422

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C.M.A.NO.481 of 2015
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ALA (Co)
pmk.10.7.2015