

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

C.M.A. No. 3060 of 2009

&

M.P. No. 1 of 2009

Metropolitan Transport Corporation Ltd.,
rep. By its Managing Director,
No.2, Pallavan Salai,
Chennai 600 002. .Appellant/ I Respondent

Vs.

1. Vakeesar ..1st Respondent/ Claimant
2. Suseela
3. Jayanthi ..2nd and 3rd Respondents/
Respondents 2 & 3

Prayer: Civil Miscellaneous Appeal as against the judgment and decree dated 10.02.2009 passed in M.C.O.P. No. 2637 of 2001 by the Motor Accidents Claims Tribunal (V Judge, Small Causes Court) Chennai.

For Appellant :: Mr.S.S. Swaminathan

For Respondents :: Mr.S.N. Narasimhulu for R1
R2 & R3 ex parte

J U D G M E N T

This Civil Miscellaneous Appeal has been preferred by the Transport Corporation as against the award of Rs. 2,12,000/- and fastening the liability on them for the death of one V.P.Krishna Pillai, aged about 60 years, in the accident, which occurred on 06.12.1992, when the deceased, who was riding his cycle from east to west on Anna Main Road, was hit by the appellant Corporation bus, that came from the 10th avenue and turned towards Anna Main Road, driven in a rash and negligent manner.

2. Heard the learned counsel for the appellant and the learned counsel for the 1st respondent.

3. Learned counsel for the appellant would submit that contributory negligence should have been fixed on the deceased, to certain extent, as he hit against the bumper of the bus in the central region and fell down, while trying to cross the road on the wrong side.

4. However, the Tribunal found that the bus was driven rashly and negligently, based on the evidence of P.W.2 (eye-witness), who deposed that the accident occurred, when he was standing along with the deceased and the bus, driven rashly and negligently, slightly hit the deceased.

5. Though contra evidence has been given by R.W.1, taking note of the filing of FIR against the driver of the appellant Corporation bus and the categorical evidence of P.W.s 1 and 2, which stood unimpeached, the Tribunal rightly came to the conclusion that the accident occurred only because of the rash and negligent driving by the driver of the appellant bus and hence, the same cannot be set aside.

6. As far as the quantum is concerned, the Tribunal took Rs.3000/- as monthly income; deducted one-third towards "Personal Expenses"; applied multiplier 8 and rightly determined "Loss of Income" as Rs.1,92,000/- and awarded Rs.2,12,000/- as compensation along with other amounts, with interest @ 7.5% per annum. The said compensation is very reasonable and hence, the Civil Miscellaneous Appeal fails and the same is dismissed. No costs. Connected M.P.is closed.

7. It is submitted by both parties that the entire award amount has been deposited before the Tribunal. In view of that, the Tribunal is directed to pay the amount to the 1st respondent/claimant and respondents 2 and 3 herein, as per the ratio fixed by the Tribunal, within a period of one week from the date of receipt of a copy of this order.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

nv

To

The Motor Accident Claims Tribunal
V Judge, Small Causes Court
Chennai

Copy to

The Section Officer
VR Section,
High Court, Madras

1 cc to Mr.S.S. Swaminathan, Advocate, sr. 73571
1 cc to Mr.S.N. Narasimhulu, Advocate, sr. 70461

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SV (CO)
kk 5/3



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