



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2015

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THE HONOURABLE MR.JUSTICE P.DEVADASS

C.M.A(MD)No.297 of 2014

and

M.P(MD)Nos.1 of 2014 & 1 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation,
Head Office, Pillai Thanneer Pandal,
Thirumayam Road,
Pudukkottai Town.

.. Appellant/Respondent

Vs.

1.Alangara Mari
2.A.Arockia Mari
3.S.Arul Mari
4.A.Elizebeth Mari

.. Respondent Nos.1 to 4/
Petitioner Nos.1 to 4

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the decree and judgment dated 26.09.2013 made in M.C.O.P.No.774 of 2010 by the Motor Accidents Claims Tribunal (Principal District Court), Pudukkottai.

For Appellant : Mr.D.Sivaraman

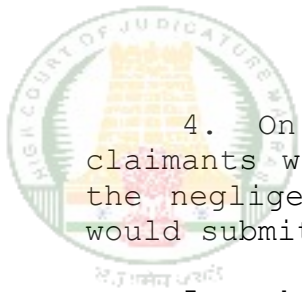
For Respondents : Mr.N.Rahamadullah

JUDGMENT

The State Transport Corporation directed this appeal aggrieved by the award of the Motor Accidents Claims Tribunal granting a total compensation of Rs.3,50,000/- together with interest at the rate of 7.5% p.a and costs to the claimants.

2. This matter arises out of a fatal accident claim, instituted in M.C.O.P.No.774 of 2010 by the dependants of one Adaikklam @ Adaikklassami, who died in a road accident on 30.04.2010 on the Namanasamuthiram - Thirumayam Main Road opposite to a Church.

3. The learned counsel appearing for the appellant/Transport Corporation submitted that the evidence adduced shows that the Corporation driver is not at all at fault. Further, the amount awarded by the Tribunal is also on the higher side.



4. On the other hand, the learned counsel appearing for the claimants would contend that the evidence adduced would clearly disclose the negligent and rashness on the part of the bus driver. Further, he would submit that the amount awarded by the Tribunal is very less.

5. I have anxiously considered the rival submissions and perused the materials on record and the impugned award.

6. While the deceased was walking on the left side of the road at about 07.15 a.m., on 30.04.2010, the Transport Corporation bus came on his rear side and dashed against him. P.W.2-Raman, the ocular witness stated as to the rash driving of the bus by its driver. Ex.P.1, a copy of the First Information Report, contains allegations implicating the bus driver as to this road accident. As against this positive evidence, not even the bus driver has been examined on the side of the Transport Corporation.

7. In the circumstances, the Tribunal has rightly concluded that the bus driver was guilty of negligence.

8. The Tribunal had taken into account the minimum income treating the deceased as a coolie and it had made deduction towards his personal expenses and it had chosen the correct multiplier and calculated compensation under the heads of loss of dependency and also awarded compensation towards loss of love and affection and funeral expenses. What was awarded by the Tribunal is neither less nor more, it is just.

9. In the circumstances, the appellant shall deposit the entire award amount including interests and costs within two months from the date of receipt of a copy of this Judgment, less amount, if any, already deposited. On such deposit, on proper application, the claimants shall be paid their share of amount as allocated by the Tribunal, less amount if any, already received. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To
The Motor Accidents Claims Tribunal, (Principal District Judge),
Pudukkottai.

+1cc to Mr.K.Gokul, Advocate SR.No.48394
+1cc to Mr.D.Sivaraman, Advocate in SR.No.47917

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