

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-04-2016

CORAM:

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

C.M.A.No.1106 of 2016

The Managing Director
Tamil Nadu State Transport
Corporation Limited
Kanchipuram District

... Appellant

Vs.

1. Ravichandran

2. M/s. S.V.K.L. Transport Contractor
Prop. M. Madhu Babu, Surya Rao Pet
Vijayawada, Krishna Dt.,
Andhra Pradesh State

3. The Divisional Manager
The Oriental Insurance Co.Ltd.,
No.4, Bharathidasan Road
Cantonment, Trichy - 1

... Respondents

Civil Miscellaneous Appeal under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 25-02-2014 made in M.C.O.P.No.351 of 2011 on the file of Motor Accidents Claims Tribunal, Principal District Judge, Perambalur.

For appellant :: Mr. K.J. Sivakumar

For respondents :: No appearance

ORDER

The Transport Corporation has filed the appeal aggrieved against the quantum of the award of Rs.2,02,840/- (Rupees Two lakhs Two thousand Eight Hundred and forty only) granted by the Tribunal to the injured , who met with an accident on 21-08-2010, while the bus bearing Registration No.TN 21 N 1107, in which he was travelling dashed against a lorry bearing registration No.AP-16-Y-4334.

2. The case of the appellant is that the Tribunal has fixed the income of the deceased as Rs.4500/-(Rupees Four thousand five hundred only), which is on the higher side and the award on the heads of disability and pain and sufferings are also on the higher side.

3. In *Syed Sadiq Vs. Deputy Manager, United India Insurance Co. Ltd.*, (2014 (1) TNMAC 459), the annual income of the deceased

was fixed at Rs.6500/-(Rupees Six thousand five hundred only) in the absence of proof of income. Further, in *Karuppasamy V. M. Thirumal and others* (CDJ 2015 MHC 2735), a sum of Rs.3000/- (Rupees Three thousand only) was fixed against the disability. However, in the case on hand, the income was fixed at Rs.4500/- (Rupees Four thousand five hundred only) and Rs.2000/- (Rupees Two thousand only) was fixed against the disability.

3. In the said circumstances, the income fixed by the Tribunal cannot be held to be excessive and also the compensation awarded on the heads of disability and pain and sufferings also cannot be found fault with.

4. In the result,

(i) the civil miscellaneous appeal is dismissed.

(ii) There is no modification in the interest granted by the Tribunal.

glp

S. VAIDYANATHAN,J.

(iii) Eight weeks' time is granted to deposit the entire award amount as ordered by the Tribunal, less the amount, if any, already deposited.

(iv) On such deposit being made, the claimant is permitted to withdraw the said compensation amount awarded by the Tribunal.

However, there will be no order as to costs. The connected C.M.P.No.8207 of 2016 is also dismissed.

29-04-2016

glp

To

The Managing Director
Tamil Nadu State Transport
Corporation Limited
Kanchipuram District

C.M.A.No.1106 of 2016