

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

C.M.A.No.2018 of 2016

The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Limited
No.3/137, Salamedu, Vazhuthareddy
Villupuram 605 602 ... Appellant

-vs-

1. Thangarasu
S/o Suppurayan
2. Selvam
S/o Thangarasu
3. Tamilmani
S/o Thangarasu ... Respondents

Memorandum of Grounds of Civil Miscellaneous Appeal under Section 173 of the Motor Vehicles Act, 1988 against the award and decree dated 29.01.2014 made in M.C.O.P.No.265 of 2010 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Chidambaram.

For Appellant :: Mr.K.J.Sivakumar

JUDGMENT

Heard the learned counsel for the appellant.

2. Aggrieved by the impugned award passed by the Motor Accident Claims Tribunal, Subordinate Judge, Chidambaram in M.C.O.P.No.265 of 2010 dated 29.1.2014 awarding a sum of Rs.4,06,000/-, as against the claim of Rs.6,00,000/-, along with interest at the rate of 7.5% per annum for the loss of life of a 52 year old agricultural coolie, who was running an idly shop on part time basis, the Managing Director of the Transport Corporation has brought this appeal on the ground that in the absence of any oral or documentary evidence to prove the monthly income of the deceased, the Tribunal has fixed Rs.4,500/- as the notional monthly income. As the approach adopted by the Tribunal is wholly untenable, the impugned order is liable to be set aside.

3. This Court is unable to agree with the said contention. The reason is that the deceased, aged about 52 years, was said to have eked out her livelihood by working as an agricultural coolie and also running an idly shop on part time basis. The second vital aspect in the present case is that on 18.12.2009 at about 5.20 A.M., while she was travelling in the bus belonging to the Transport Corporation bearing Registration No.TN 32 N 1533 from Vatharayathethu to Keerapalayam as a passenger, the bus met with an accident and consequently she sustained grievous injuries and died leaving behind her family members as orphans. While that being the case, it is not known why and how the Transport Corporation has heavily contested the matter before the Tribunal. Thirdly, the Tribunal has also committed a serious mistake in not awarding any reasonable amount towards the loss of consortium and also towards loss of love and affection. Therefore, this Court is not able to see any merit in the civil miscellaneous appeal. Accordingly, the civil miscellaneous appeal is dismissed confirming the award of the Tribunal. Consequently, C.M.P.No.14604 of 2016 is also dismissed.

4. The appellant is directed to deposit the entire award amount along with interest to the credit of the M.C.O.P.No.265 of 2010 on the file of the Motor Accidents Claims Tribunal (Subordinate Judge), Chidambaram within a period of two weeks from the date of receipt of a copy of this order and on such deposit, it is for the claimants to withdraw the apportioned amount by moving appropriate applications before the Tribunal. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

सत्यमेव जयते
Sub Asst. Registrar

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To

The Subordinate Judge
Motor Accident Claims Tribunal
Chidambaram

C.M.A.No.2018 of 2016

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