

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

C.M.A.No.561 of 2016
and
C.M.P.No.4651 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation,
No.3/137, Salamedu, Villupuram Division,
Villupuram. Appellant/Respondent

Versus

1.Srinivasan
2.Jayalakshmi Respondents/Claimants

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1989 against the judgment and decree passed by the Motor Accident Claims Tribunal, (Subordinate Court, Kallakurichi) in M.C.O.P.No.244 of 2011 dated 22.01.2015 for awarding compensation.

For Appellant : Mr.P.Paramasiva Doss

JUDGMENT

This appeal is filed by the Transport Corporation challenging the award passed by the Motor Accident Claims Tribunal arising out of a fatal accident.

2. The respondents herein as the claimants and the legal heirs of the deceased, filed the claim petition before the Motor Accident Claims Tribunal, Subordinate Court, Kallakurichi, claiming a total compensation of Rs.40 lakhs. It is their claim that the deceased was working as Kalamastri in a Rice Mill and was earning Rs.10,000/- per month, who died at the age of 22 years. The said claim was resisted by the Transport Corporation.

3. The Tribunal below, after considering the rival contentions of the parties, awarded a sum of Rs.7,03,000/- in

total, towards compensation. Though the present appeal is filed by the Transport Corporation, the main contention in the appeal is focused on the quantum of salary fixed by the Tribunal as Rs.6,000/-. According to the appellant the said fixation of salary ought to have been made as Rs.3,000/-.

4. The learned counsel for the appellant is fair enough to contend that even though the claimants have stated the salary of the deceased as Rs.10,000/-, the Tribunal has fixed Rs.6,000/- and the multiplier adopted is also in accordance with law.

5. Considering the fixation of the award, more particularly, in respect of the discussion and finding of the Tribunal to arrive at the quantum of the salary of the deceased, this Court is of the view that such factual finding rendered by the Tribunal, which appears to be just and reasonable, does not warrant any interference, as the Tribunal has considered all the aspects, while fixing such quantum of salary. Therefore, I find no grounds to interfere with the award made by the Tribunal.

6. Accordingly, this Civil Miscellaneous Appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

vsm

To
The Motor Accident Claims Tribunal,
(Subordinate Court, Kallakurichi).

1 cc to Mr.P.Paramasivadoss, Advocate, sr.18916

C.M.A.No.561 of 2016

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