

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2016

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

C.M.A.No.790 of 2016

&

C.M.P.No.6407 of 2016

The Managing Director,
Tamil Nadu State Transportation Corporation Ltd.,
Villupuram. ... Appellant/Respondent

Vs.

Poosaimani ... Respondent/Petitioner

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the order and decretal order dated 18.09.2015 made in M.C.O.P.No.261 of 2014 on the file of the Motor Accident Claims Tribunal (III Additional District and Sessions Judge), Cuddalore at Vridhachalam.

For Appellant : Mr.S.Sairaman

J U D G M E N T

The Transport Corporation has come up with this appeal challenging the quantum of compensation awarded by the Tribunal.

2. On 05.02.2014, at 8.45 a.m., one Thangadurai after attending nature's call was proceeding towards his house and while standing at Chinnathukurichi bus stop, the appellant Transport Corporation's bus bearing Reg. No. TN-32-N-3164 came from Vridhachalam to Palayankottai in a rash and negligent manner and hit against the said Thangadurai, due to which, he sustained fatal injuries and died on the spot. The respondent who is the father of the deceased filed a claim petition in MCOP No.261 of 2014 before the learned III Additional District and Sessions Judge, Cuddalore at Vridhachalam, seeking a sum of Rs.25,00,000/- as compensation. After analyzing the available oral and documentary evidence, the Tribunal awarded a sum of Rs.8,99,000/- as compensation under the following heads:

Heads	Amount
Loss of estate	Rs.8,64,000.00
Loss of love and affection	Rs. 25,000.00
Funeral Expenses	Rs. 10,000.00
Total	Rs.8,99,000.00

3. Learned counsel appearing for the appellant/Transport Corporation would mainly contend that the quantum of compensation awarded by the Tribunal is too high and the Tribunal failed to consider negligence aspect and awarded huge compensation.

4. On the other hand, learned counsel appearing for the respondent/claimant would submit at the time of accident, the deceased was working as Master in Vinayaka Bakery and was earning Rs.22,500/- p.m. and he was aged about 35 years. Hence, the respondent/father of the deceased claimed a compensation of Rs.25,00,000/- stating that the deceased was drawing salary at Rs.22,500/- p.m.

5. A perusal of the records would show that there is no proof for occupation and income of the deceased, and in the absence of the same, the Tribunal fixed the monthly income of the deceased at Rs.6,000/- and considering the age of the deceased, 50% of the said income was awarded towards future prospects. Therefore, the Tribunal has rightly awarded the compensation under the Head "Loss of Estate" as Rs.8,64,000/- (i.e. Rs.6000/- + Rs.3000/- = Rs.9000/- - 50% = Rs.4500/- x 12 x 16), after deducting 50% towards his personal expenses. Apart from that, the Tribunal has also awarded compensation under the heads, "Loss of love and affection" and "funeral expenses", which, in the considered opinion of the Court, warrants no interference as the amounts are very reasonably awarded. Hence, I find that there is no infirmity or illegality in the order passed by the Tribunal and the compensation awarded by the Tribunal is hereby confirmed.

6. In fine, the Civil Miscellaneous Appeal is dismissed, confirming the quantum of compensation and the rate of interest at 7.5% per annum awarded by the Tribunal. It is made clear that if no amount is deposited so far, the appellant/Transport Corporation is directed to deposit the entire award amount together with accrued interest to the credit of M.C.O.P.No. 261 of 2014 on the file of the Motor Accidents Claims Tribunal, III Additional District and Sessions Judge, Cuddalore at Vridhachalam, within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the Tribunal shall pay compensation to the claimant in the form of a crossed Account Payee Cheque,

favouring only the claimant and it should not be issued in favour of any other person/Company. No costs. Consequently, connected C.M.P.No.6407 of 2016 is also closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

To :
The III Additional District and Sessions Judge,
(Motor Accident Claims Tribunal),
Cuddalore at Vridhachalam.

1 cc to Mr.S.Sairaman, Advocate, sr.24690

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&
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kra 03.06.2016



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