

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2016

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THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

C.M.A. No.951 of 2016

&

C.M.P. No. 7336 of 2016

The Managing Director,
Tamil Nadu State Transportation
(Kumbakonam Division - I) Limited,
Railway Station New Road,
Kumbakonam-612 001. Appellant/Respondent

Vs.

1.S.Shanthi
2.B.Sekaran ... Respondents/Petitioner

Prayer: Civil Miscellaneous Appeal as against the fair and decretal order dated 19.02.2015 made in M.C.O.P. No.142 of 2013 on the file of Motor Accidents Claims Tribunal, I Additional District Judge, Cuddalore.

For Appellant :: Mr.D.Venkatachalam

J U D G M E N T

This Civil Miscellaneous Appeal is preferred by the Transport Corporation as against the fair and decretal order dated 19.02.2015 made in M.C.O.P. No.142 of 2013 on the file of Motor Accidents Claims Tribunal, the I Additional District Judge, Cuddalore.

2. On 08.11.2012 at about 12.00 midnight, when the deceased Venkatesh was riding his motorcycle bearing Reg.No.TN-31-F-8903 from South to North direction at his extreme left side of the Sirkazhi Main Road, near Apparasaputhur bus stop, the appellant bus bearing Reg.No.TN-49-N-1994 came in the opposite direction at a very high speed in a rash and negligent manner and hit against the said Ventakesh. Due to fatal injuries, the deceased died on the spot.

3. Originally the mother and father filed the claim petition before the Tribunal, claiming compensation to the tune of Rs.25,00,000/- and the Tribunal, based on the oral and documentary evidence, granted compensation to the tune of Rs.10,48,000/-. Aggrieved over the same, the present appeal is filed by the Transport Corporation.

4. The main contention raised by the Appellant Corporation is that the Tribunal deducted 1/3rd towards personal expenses instead of 50%. He further contended that no valid documents have been filed before the Tribunal to prove the age and income of the deceased and the Tribunal ought not to have fixed the monthly income of the deceased at Rs.7000/- and it is on the higher side. Hence, he prays for reduction of the compensation awarded by the Tribunal.

5. This Court heard the submissions made by the learned counsel for the appellant and perused the materials available on record.

6. A Washing Machine Mechanic, aged 26 years, met with an accident on 08.11.2012 and he died on the spot. Parents are the claimants. They have claimed compensation of a sum of Rs.25 lakhs. Considering the age and qualification of the deceased, the Tribunal has rightly fixed the monthly income of the deceased at Rs.7000/-, though no proof has been furnished. The deceased is the only breadwinner of the family. According to the appellant-Transport Corporation, the deceased being a bachelor, while calculating the annual income, the Tribunal has wrongly deducted 1/3 towards personal expenses instead of 50%. It is to be noted that the Tribunal has not awarded any amount towards loss of earning power and the compensation awarded by the Tribunal under the head loss of income at Rs.10,08,000/- apart from Rs.30,000/- towards loss of love and affection and Rs.10,000/- towards funeral expenses cannot be said to be excessive. Hence, I am of the view that the compensation awarded under various heads appear to be reasonable.

7. In view of the above, this Court finds no reason to interfere with the award of the Tribunal and hence the appeal is dismissed. No costs. Connected miscellaneous petition is closed.

8. The Appellant Transport Corporation is directed to deposit the entire award amount together with proportionate costs and interest @ 7.5% per annum from the date of claim petition, before the Tribunal, to the credit of M.C.O.P.No.142 of 2013 on the file of the Motor Accidents Claims Tribunal, I Additional District Judge, Cuddalore, within a period of four weeks from the date of receipt of a copy of this order and on

such deposit being made, the respondents herein/claimants are entitled to make necessary applications to withdraw the the same, as apportioned by the Tribunal.

Sd/-
Assistant Registrar(CS IV)

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Sub Assistant Registrar

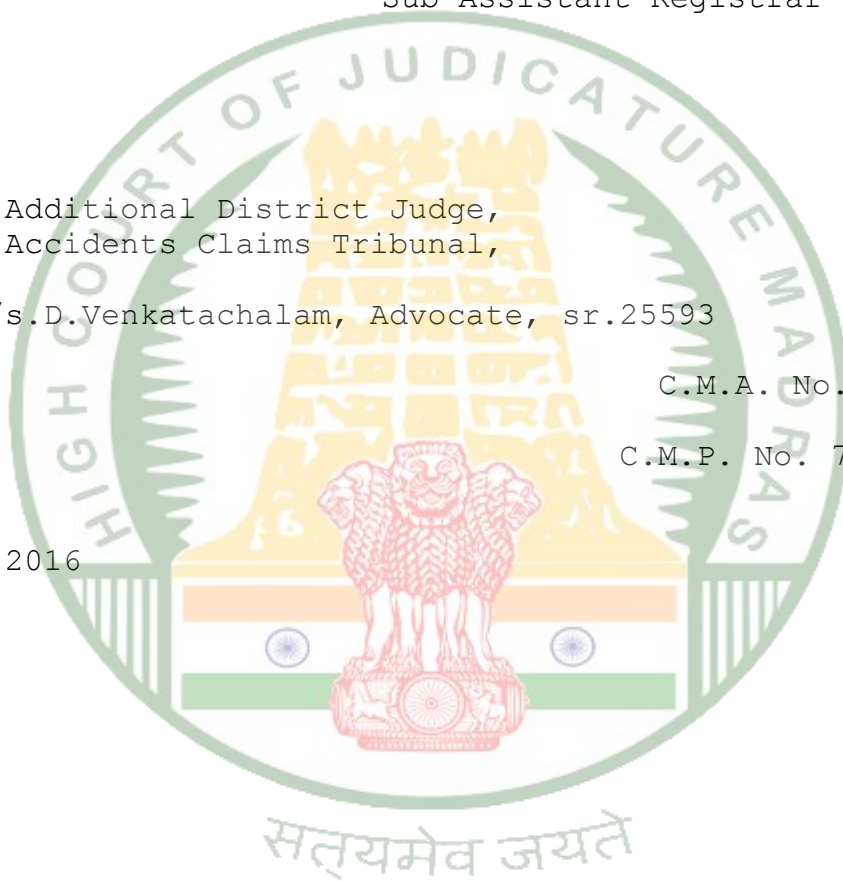
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To

1. The I Additional District Judge,
The Motor Accidents Claims Tribunal,
Cuddalore
1 cc to M/s.D.Venkatachalam, Advocate, sr.25593

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