

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2016

CORAM

THE HON'BLE MR.JUSTICE N. SESHASAYEE

C.M.A.No.737 of 2009 & M.P.No.1 of 2009

Tamil Nadu State Transport Corporation Limited,
Division,
Kumbakonam.

Appellant/Respondent

Vs.

1.Saroja

2. Selvakumar

3. Murugavel

4. Kumuthavalli

Respondents/Claimants

This Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act 1988 against the award passed by the Motor Vehicle Accident Claims Tribunal, Principal Subordinate Judge, Mayiladudurai in MCOP.No.201 of 2006 dated 24.03.2007 and to allow this Appeal.

For Appellant : No appearance
For Respondents : Mr.M.J.Srinivas
for Mr.S.Soundhar

JUDGMENT

The State Transport Corporation, respondent before the Motor Accident Claims Tribunal has preferred this appeal challenging the award passed therein by the Motor Vehicle Accident Claims Tribunal, Mayiladudurai in MCOP.No.201 of 2006 dated 24.03.2007.

3. On 05.11.2003, one Kaliamoorthy was knocked down by a bus bearing registration No.TN49-N-1111 belonging to the appellant. He was initially injured in the accident. But, as he did not respond to the treatment given, he died on 9.11.2003.

4. The claimants before the Tribunal are the legal heirs of the deceased Kaliamoorthy and they have claimed a sum of Rs.4,00,000/- as compensation on various heads before the Tribunal. After enquiry, the Tribunal has passed an award of Rs.2,89,500/- payable with interest at the rate of 7.5% per annum, which is challenged in this appeal.

5. This appeal is posted yesterday and as there is no

representation for the appellant, it is again posted today. Even today, there is no representation for the appellant.

6. It is the case of a pedestrian knocked down by a bus belonging to the State Transport Corporation, the appellant herein, to his fatal end. Deceased Kaliamoorthy, the unfortunate victim of the accident was stated to be aged fifty years when he died, and was stated to be engaged in milk vending business, and making Rs.4,000/- per month. On this footing, his widow and three children had preferred a claim petition before the Motor Accident Claims Tribunal, seeking compensation of Rs.4,00,000/- As already stated, while he was walking along the road, Kaliamoorthy was knocked by the State Transport Corporation bus bearing No.TN49-N-1111 on 05.11.2003 at about 5.00 a.m. The Tribunal found the driver of the bus negligent which resulted in the accident. As to the quantum of compensation, the Tribunal notionally fixed the monthly income of the deceased at Rs.2,500/- and applied multiplier of 13 on that, and after deducting 1/3 towards his own expenses, had arrived at the compensation for loss of dependency at Rs.2,60,000/- and after including the general damages under various heads, it fixed the total liability at Rs.2,89,500/- payable with interest at the rate of 7.5% per annum.

7. On perusing the entire records of the trial Court, I do not find any reason to interfere with the award now impugned in this appeal. Hence, this Civil Miscellaneous Appeal is dismissed with a direction to the appellant to deposit the compensation amount, less if any already deposited, before the Tribunal within a period of six weeks from the date of receipt of a copy of this order, and on such deposit, claimants are entitled to withdraw the amount forthwith. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

vrc

To

The Motor Accident Claims Tribunal
Principal Subordinate Judge,
Mayiladudurai.

+1 cc to Mr.S.Sounthar Advocate sr 68252/16

C.M.A.No.737 of 2009

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