



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2016

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A. (MD) No.1190 of 2014

and

M.P. (MD) No. 1 of 2014

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Kumbakonam Division I,
Kumbakonam.

... Appellant/Respondent.

Vs.

1. Kaliyamoorthy
2. Jeyanthi
3. Vasanthi
4. Jai Ganesh
5. Venkatesan

... Respondents/Claimants.

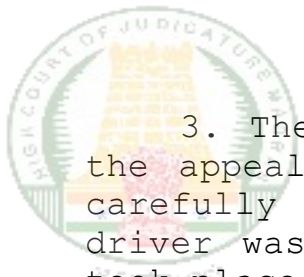
Prayer: The Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree made in M.C.O.P.No.180 of 2013 dated 30.06.2014 on the file of the Motor Accident Claims Tribunal, Principal Sub Court, Kumbakonam.

For Petitioner : Mr.P.Prabhakaran
For Respondents : Mr.S.Raja Prabhu for
Mr.K.M.Karunakaran

J U D G M E N T

It is a case of fatal accident caused on 21.11.2012 at Natchiarkoil bus stop. The legal-heirs of the deceased filed an application seeking compensation before the Motor Accident Claims Tribunal, Principal Sub Court, Kumbakonam in M.C.O.P.No.180 of 2013 and the Tribunal, considering the facts and circumstances of the case, granted a sum of Rs.5,07,760/- as total compensation. Challenging the same, the appellant/State Transport Corporation has preferred this appeal on the ground of quantum and negligence.

2. The learned counsel appearing for the appellant contended that the deceased was about to get down from the moving bus, which caused the accident. Therefore, the Tribunal ought to have fixed the negligence on the part of the deceased person, but the Tribunal has fixed the entire liability on the Transport Corporation, which is erroneous.



3. The learned counsel appearing for the respondents opposed the appeal by stating that it is a case where the deceased was carefully getting down from the bus, but, unfortunately, the driver was moving the vehicle and because of that, the accident took place and the death occurred.

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4. On reading of the findings of the Tribunal, it is found that there are 5 dependents for the deceased and the deceased was aged about 52 years and an agricultural coolie. The deceased was the only breadwinner of the entire family and after the death, the entire family was on street. Pointing out the plight of the family and the nature of the employment of the deceased, this Court is not inclined to interfere with the findings of the Tribunal and further, the total compensation of Rs.5,07,760/- awarded by the Tribunal can never be construed as excessive and it is a just compensation in accordance with the established procedure and therefore, the award passed in M.C.O.P.No.180 of 2013 by the Motor Accident Claims Tribunal, Principal Sub Court, Kumbakonam, dated 30.06.2014 is confirmed and the appeal is dismissed.

5. In view of the dismissal of the appeal, the appellant/State Transport Corporation is directed to deposit the entire award amount with accrued interest and costs within a period of four weeks from the date of receipt of a copy of this order, if not already deposited already. On such deposit, the respondents/claimants are permitted to withdraw their share with accrued interest, through RTGS, by filing necessary application before the Tribunal. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar.

To
The Motor Accident Claims Tribunal,
Principal Sub Court, Kumbakonam.

+1CC to M/S.K.M.Karunakaran, Advocate, SR.No. 79553
+1CC to M/S.P.Prabhakaran, Advocate, SR.No. 78833

Copy to:

The Section Officer, V.R.Section,
Madurai Bench of Madras High court, Madurai.

C.M.A. (MD) No.1190 of 2014
02.12.2016