



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2016

Coram:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A(MD)No.134 of 2016

and

C.M.P. (MD)No.2190 of 2016

Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Represented by its Managing Director,
Periyamilaguparai, Contonment,
Tiruchirappalli - 620 001.

... Appellant/1st Respondent**Vs.**

1.J.Sumathi
2.J.Krishnaprakash
3.J.Logesh
4.V.Sakundala

... Respondents 1 to 4/
Petitioners 1 to 4

5. J.B.Security Services (P) Ltd.,
Represented by its
Managing Director,
Plot No.5, 4th Street, New Kuber Nagar,
Madippakkam, Chennai - 600 091.

6. The New India Assurance Company Ltd.,
Represented by its
Divisional Manager,
II Floor, Jerome Building, Fort Station Road,
Tiruchirappalli - 620 002. ... Respondents 5 & 6/
Respondent 2 & 3

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree made in M.C.O.P.No.1362 of 2013, dated 06.11.2014, on the file of the Motor Accidents Claims Tribunal / Special District Court, Thiruchirappalli.

For Appellant : Mr.P.Prabhakaran

<https://hcservices.ecourts.gov.in/hcservices/>
For Respondents : Mr.N.Sudhagar Nagaraj (for R1 to R4)
Mr.B.Vijay Karthikeyan (for R6)

**JUDGMENT**

The appellant/Transport Corporation has filed the present C.M.A(MD)No.134 of 2016, challenging the award passed in MCOP.No.1362 of 2013, dated 06.11.2014, on the file of the Motor Accidents Claims Tribunal/Special District Court, Thiruchirappalli.

2.It is a case of fatal accident caused in an accident occurred on 30.11.2009 around 5.30 p.m. near Kannimarthoppu, Thiruvanaikovil Trichy. The legal heirs of the deceased filed an application seeking compensation before the Tribunal. Considering the facts and circumstances of the case, the Tribunal awarded Rs.25,86,827/- as total compensation. Challenging the award amount, the appellant/Transport Corporation filed this appeal on the ground of quantum. The learned counsel for the appellant contended that the quantum of compensation granted by the Tribunal was excessive on the ground that the monthly income fixed by the Tribunal is erroneous and not in accordance with the procedure fixed by this Court.

3.The learned counsel for the respondents opposed the appeal by stating that the deceased was working as a Manager in the Punjab National Bank, Thuvakudi and the Tribunal has rightly adopted the principles. Further, the bank official was examined as PW3, who deposed the monthly income of the deceased as Rs.40,932/-. Therefore, this Court is unable to accept the grounds for appeal stating that the monthly income of the deceased was erroneously fixed. The deceased was working as a Manager in the Punjab National Bank and the bank official has deposed the salary of the deceased. Such being the case, the fixation of compensation by the Tribunal cannot be construed as excessive or erroneous and this Court is not inclined to consider the grounds for appeal and consequently, the award passed by the Tribunal in MCOP.No.1362 of dated 06.11.2013, is confirmed and the Civil Miscellaneous Appeal is dismissed.

4.The appellant/Transport Corporation is directed to deposit the entire award amount with accrued interest within a period of four weeks from the date of receipt of a copy of this order, if not already deposited and thereafter, the respondents/claimants are permitted to withdraw the entire award amount with accrued interest by RTGS, by filing necessary application before the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar



To

The Motor Accidents Claims Tribunal /
Special District Judge,
Thiruchirappalli.

+1cc to Mr.P.Prabhakaran,Advocate, SR.No.74139

+1cc to Mr.B.Vijayakarthiskeyan,Advocate, SR.No.74410

VSA

TE/SS2-KSM : 25/01/2017 : 3P/4C

C.M.A (MD) No.134 of 2016

and

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29.11.2016