



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2016

Coram:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A(MD)No.652 of 2014

and

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

Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
rep. by its Managing Director,
Railway Station New Road,
Kumbakonam - 612 001.

.. Appellant/Respondent

Vs.

1.Masiya Pillai
2.Vijayalakshmi
3.Annakamu

.. Respondents/Petitioners

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.3823 of 2013, dated 05.12.2013, on the file of the Motor Accident Claims Tribunal/Special District Court, Tiruchirappalli.

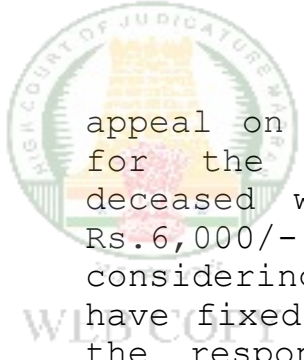
For Appellant : Mr.P.Prabhakaran

For Respondents : Mr.N.Sudhagar Nagaraj (for R1 to R3)

JUDGMENT

The appellant/Transport Corporation has filed the present C.M.A(MD)No.652 of 2014, challenging the award passed in MCOP.No.3823 of 2013, dated 05.12.2013, on the file of the Motor Accident Claims Tribunal/Special District Court, Tiruchirappalli.

2.It is a case of fatal accident caused on account of an accident took place on 22.03.2008 around 6.20 p.m. near Sri Nagar Cross Road, Thiruvanaikaval Main Road. The heirs of the deceased filed an application seeking compensation before the Motor Accident Claims Tribunal/Special District Court, Tiruchirappalli in MCOP.No.3823 of 2013. Considering the facts and circumstances of the case, the Tribunal awarded Rs.8,92,400/- as total compensation. Challenging the same, the appellant/Tamil Nadu State Transport Corporation Limited has preferred the present



appeal on the ground of quantum. The learned counsel appearing for the appellant/Transport Corporation contended that the deceased was a Bachelor and therefore, the monthly income of Rs.6,000/- fixed by the Tribunal was erroneous. Further, considering the age of the deceased, the Tribunal ought not to have fixed Rs.6,000/- as monthly income. The learned counsel for the respondent objected on the same on the ground that the deceased was working as Pocklin operator and it is not disputed that the deceased was holding a valid driving licence. This Court is unable to appreciate the contentions of the learned counsel for the appellant on the ground that the deceased was aged about 23 years at the time of death and working as a Pocklin operator and was holding a valid driving licence to that effect and certificate regarding that the qualification was also produced in Ex.A5 and Ex.A6. In view of the fact that the deceased was a qualified pocklin operator and produced the certificate to that effect, the monthly income of Rs.6,000/- fixed by the Tribunal cannot be said to be excess. Hence, this Court finds that there is no error on record on the findings of the Tribunal and further the notional income of Rs.3,900/- was taken for calculating the quantum of compensation and the compensation was calculated by adopting the multiplier of $3,900 \times 12 \times 18 = 8,42,400/-$ and the same is in accordance with the established principles and require no further re-consideration. Consequently, the award passed by the Motor Accident Claims Tribunal/Special District Court, Tiruchirappalli in MCOP.No.3823 of 2013, dated 05.12.2013, is confirmed and the Civil Miscellaneous Appeal is dismissed.

3.The appellant 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. The respondents/claimants are permitted to withdraw the entire award amount with accrued interest through RTGS, by filing necessary application before the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CSII)

/True Copy/

Sub-Assistant Registrar

To
The Special District Judge,
The Motor Accident Claims Tribunal, Tiruchirappalli.
+One cc to Mr.P.Prabhakaran, Advocate, SR.No.73471
vsa
AE/3C/2P/RR/15.3.2017

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