



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 06.07.2016

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.M.A (MD) No.552 of 2016
and
C.M.P. (MD) .No.6606 of 2016

The Tamil Nadu State Transport Corporation Limited
Vannarapettai,
Tirunelveli-3.

.. Appellant/Respondent

vs .

1.Ramalakshmi
2.Sornalatha
3.Shunmugavadivoo @ Karuthammal

.. Respondents/Petitioners

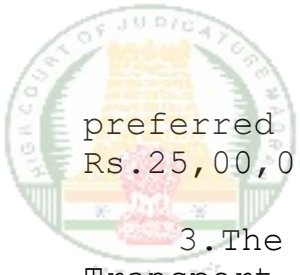
Prayer: This Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the award and decree dated 19.11.2013 passed in M.C.O.P.No.1361 of 2012 by the Motor Accident Claims Tribunal/II Additional District Court, Tirunelveli.

For Appellant : Mr.P.Prabhakaran

JUDGMENT

Aggrieved over the award dated 19.11.2013, passed by the Motor Accident Claims Tribunal/II Additional District Court, Tirunelveli, in M.C.O.P.No.1361 of 2012, the Tamil Nadu State Transport Corporation has filed the present appeal.

2.According to the claimants, on 08.03.2012 at about 19.35 hours, the deceased Pool Pandian was proceeding in his Hero Honda Motorcycle bearing Registration No.TN72AA-4228 in the south Bye Pass road from north to south direction and at that time, a bus bearing Registration No.TN72N 1203 came in the same direction in a rash and negligent manner hit against the motorcycle. As a result, the deceased sustained grievous injuries and he was immediately taken to Chandy Hospital, Tirunelveli for treatment, but later, died on 19.03.2012. The legal representatives of the deceased



preferred a claim petition claiming compensation of Rs.25,00,000/-.

3.The claim was opposed by the appellant, Tamil Nadu State Transport Corporation disputing the age, occupation, monthly income and dependency of the deceased and the manner of the accident.

4.Before the Tribunal, the first claimant examined herself as P.W.1 and examined one Ganapathi Sundaram as P.W.2 and marked Exs.P.1 to P.7, to substantiate their case. On the side of the appellant, Transport Corporation one Apranantham was examined as R.W.1, but no document was marked.

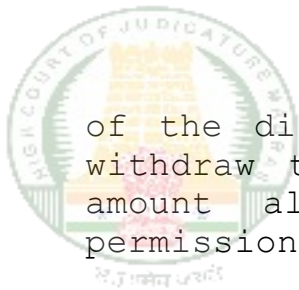
5.Heard Mr.P.Prabhakaran, learned counsel appearing for the appellant and perused the materials available on record.

6.P.W.2, who is the eye witness to the accident deposed that on 08.03.2012, the deceased was riding a motorcycle and at that time, the bus came in a rash and negligent manner and dashed against the deceased. Ex.P.1 is the First Information Report. Based on the evidence of P.W.2 and Ex.P.1, the Tribunal came to the conclusion that the driver of the bus was responsible for the accident and disbelieved the evidence of R.W.1.

7.P.W.1 has given evidence stating that the deceased was aged about 58 years old at the time of accident and he was doing Agricultural work and also Real Estate business, thereby earning Rs.25,000/- per month. Since the claimants have not produced any salary certificate, the Tribunal fixed the notional income of the deceased at Rs.4,500/- per month. Ex.P.2/Post-mortem certificate reveals that the deceased was 58 years old. The Tribunal deducted 1/3 of the income towards his personal expenses and held that the deceased was contributing Rs.36,000/- p.a. The Tribunal by applying multiplier '9' awarded compensation of Rs.3,24,000/- towards loss of dependency, Rs.10,000/- towards loss of love and affection to each claimant, Rs.20,000/- towards loss of consortium to the first claimant, Rs.25,000/- towards Funeral and Transportation Expenses. Based on Exs.P.3 to P.7, the Tribunal awarded Rs.1,70,886/- towards medical expenses. Totally, the Tribunal has awarded Rs.5,70,000/- along with interest at 8% p.a.

8.In my considered opinion, the award of the Tribunal is fair and reasonable. There is no merit in this appeal. In the result, this civil miscellaneous appeal is dismissed. No costs. Consequently, the connected C.M.P is also closed.

9.The appellant, Transport Corporation is directed to deposit the award amount to the credit of M.C.O.P.No.1361 of 2012 within a period of eight weeks, from the date of receipt of a copy of this order, if the award amount already not deposited. In view



of the dismissal of the appeal, the claimants are permitted to withdraw their amount as apportioned by the Tribunal, less the amount already drawn by the claimant, without filing any permission petition before the Tribunal.

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Sd/-

Assistant Registrar (T&P)

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Sub Assistant Registrar

To

The Motor Accident Claims Tribunal/
II Additional District Court,
Tirunelveli.

+1CC TO MR.P.PRABHAKARAN,ADVOCATE IN SR.NO. 35365

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TE/SKS-RR/SAR III/09.08.2016/3P-3C

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