



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2016

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Coram:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

C.M.A(MD)No.675 of 2016

and

C.M.P(MD)No.7093 of 2016

Tamil Nadu State Transport Corporation Limited,
Cantonment,
Tiruchirappalli - 620 001
Rep. By its Managing Director.

.. Appellant/Respondent

-Vs-

1.U.Sivanathan
2.Kalaiselvi
3.Kamalahasan

.. Respondents/Petitioners

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree dated 24.11.2011 made in M.C.O.P.No.1607 of 2009 on the file of the Motor Accident Claims Tribunal, Additional District Court, Fast Track Court No.1, Tiruchirappalli.

For Appellant : Mr.D.Sivaraman
For Respondents : Mr.N.Sudhagar Nagaraj

JUDGMENT

Aggrieved over the award passed by the Motor Accidents Claims Tribunal, Additional District Court, Fast Track Court No.1, Tiruchirappalli. in M.C.O.P.No.1607 of 2009, the Transport Corporation has preferred the present appeal.

2.The respondents filed the claim petition in M.C.O.P.No.1607 of 2009 against the appellant claiming compensation of Rs.7,00,000/- alleging that on 08.04.2009 when the deceased Angammal was travelling in a bus bearing Registration No.TN-45-N-1651 from Chettikulam to Vazhaiyur, there was a clash between the passengers, so the bus was stopped near Indira Nagar Colony, Perahambi, Manachanallur Taluk. The conductor asked the passengers



to get down from the bus and when the deceased was alighting from the front entrance of the bus, the driver had suddenly taken the vehicle in a rash and negligent manner and in that process, she fell down and died on the spot.

3. The claim was opposed by the appellant by filing a counter stating that after the problems were over, the driver moved the bus very slowly, but the deceased attempted to get into the running bus, she lost control and fell down. So the appellant is not liable to pay compensation.

4. It is not in dispute that the deceased was a passenger in the bus and there was a quarrel among the passengers and the vehicle was stopped near Indira Nagar Colony.

5. According to the appellant, after the problems were over, when the vehicle started from the place, the deceased attempted to catch the bus and fell down. P.W.1 is a co-passenger and he has given evidence in support of the claimants. Ex.P.1-the First Information Report and Ex.P.3-charge sheet would show that a criminal case was registered against the driver of the bus and after investigation, charge sheet was filed against him.

6. The Tribunal accepting the evidence held that the driver of the bus was responsible for the accident.

7. The evidence of P.W.1 and Ex.P.2-Post-Mortem Certificate would show that the deceased was 45 years old on the date of accident. P.W.1 has deposed that the deceased was earning Rs.3,300/- per month by doing coolie work and milk business. The Tribunal fixed the income of the deceased as Rs.3,000/- per month and after deducting one-fourth towards her expenses, assessed the loss of contribution to the family as Rs.2,250/- per month and by applying multiplier '13', has awarded compensation of Rs.3,51,000/- towards loss of dependency; Rs.5,000/- towards loss of consortium; Rs.5,000/- towards loss of love and affection; Rs.5,000/- towards transport expenses and Rs.5,000/- towards funeral expenses. The Tribunal has totally awarded a compensation of Rs.3,71,000/- together with interest at the rate of 7.5% per annum. In my considered view, the award passed by the Tribunal is fair and reasonable and I do not find any merit in this appeal.

8. In the result, this Civil Miscellaneous Appeal is dismissed. No costs.

9. It is represented by the learned counsel for the appellant that the appellant has deposited the entire award amount and the claimants 1 and 2 have also withdrawn 50% of their share in the award amount. In view of the dismissal of the appeal, the claimants are permitted to withdraw the entire award amount, less the amount already withdrawn, without filing any formal petition



before the Tribunal. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (Records)

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/True copy/

Sub Assistant Registrar

To

The Additional District Judge,
Motor Accident Claims Tribunal,
Fast Track Court No.1,
Tiruchirappalli.

+ 1 CC TO M/S.N.SUDHAKAR NAGARAJ, ADVOCATE IN SR No. 40152
+ 1 CC TO MR.D.SIVARAMAN, ADVOCATE IN SR No. 39856

PS

TE/ARK-PV/SAR-I : 12/08/2016 : 3P/4C

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