



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2016

Coram:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

C.M.A(MD)No.802 of 2014

and

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

The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam.

.. Appellant/Respondent

-Vs-

1.Meenambal
2.Srinidhi
3.Dhinesh Manikumar
4.Kaliya Perumal

.. Respondents/Petitioners

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Judgment and Decree, dated 28.01.2014, passed in M.C.O.P.No.315 of 2013, on the file of the Motor Accident Claims Tribunal/Special District Court, Thanjavur.

For Appellant : Mr.P.Prabhakaran
For Respondents : Mr.G.Karnan

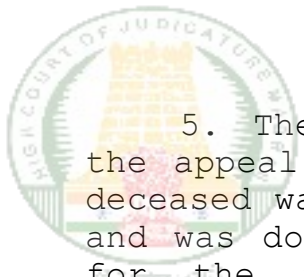
JUDGMENT

This Civil Miscellaneous Appeal has been filed to set aside the Judgment and Decree made in M.C.O.P.No.315 of 2013, dated 28.01.2014, on the file of the Motor Accident Claims Tribunal/Special District Court, Thanjavur.

2. It is a case of fatal accident occurred on 29.12.2012, near GPT Water Service Palli Agraharam Bye pass Road. The legal heirs of the deceased filed a claim petition, in MCOP.315 of 2013, before the Motor Accident Claims Tribunal/Special District Court, Thanjavur and the Tribunal, considering the facts and circumstances, awarded a sum of Rs.7,04,000/- as total compensation. Challenging the same, the appellant preferred this appeal, mainly on the ground of quantum.

3.The learned counsel for the appellant contended that the deceased voluntarily crossed the road suddenly, the driver of the bus, belongs to the Appellant Transport Corporation, was unable to apply the break suddenly and accordingly the accident was caused.

4. This apart, the deceased was in occupation of a milk vendor and the Tribunal fixed the monthly income of the deceased as Rs.6,000/- and therefore, the quantum of compensation is to be reconsidered and reduced.



5. The learned counsel for the respondents/claimants opposed the appeal by stating that it is a case of fatal accident and the deceased was 48 years at the time of death and he was a milk vendor and was doing agricultural works also. Further the learned counsel for the respondents/claimants contended that there were four dependents of the deceased and the Tribunal has rightly fixed the monthly income of Rs.6,000/- and the personal expenses of 1/3rd was deducted. Hence, there was no error on record on the part of the Tribunal in calculating the quantum of compensation.

6. Perusal of the records reveals that the monthly income of Rs.6,000/- cannot be excessive, in view of the fact that the deceased was working as a milk vendor and was performing the job of the agriculturist. Such being the factual situation and there were four dependents of the deceased, this Court is not inclined to reconsider the award and accordingly the award passed by the Motor Accident Claims Tribunal/Special District Court, Thanjavur, in MCOP.315 of 2013, dated 28.01.2014, is confirmed.

7. In the result, this Civil Miscellaneous Appeal is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

8. The appellant/Tamil Nadu State Transport Corporation is directed to deposit the entire award amount with accrued interest and costs to the credit of MCOP.315 of 2013, on the file of the Motor Accident Claims Tribunal/Special District Court, Thanjavur, within a period of four weeks from the date of receipt of a copy of this judgment, if not already deposited and on such deposit being made, the respondents/claimants are permitted to withdraw their respective shares as per the apportionment made by the Tribunal with proportionate accrued interest and costs, through RTGS by filing necessary application before the Tribunal concerned.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Special District Judge,
Motor Accident Claims Tribunal,
Thanjavur.
2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.G.KARNAN, ADVOCATE IN SR No. 79610

+ 1 CC TO Mr.P.PRABHAKARAN, ADVOCATE IN SR No. 78838

PJL

TE/SS2-KSM : 24/01/2017 : 2P/5C

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