



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2016

CORAM:

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

C.M.A. (MD) No. 697 of 2016

and

C.M.P. (MD) No. 7204 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Tirunelveli.

... Appellant / Respondent

Vs.

1.S.Muthammal
2.Sivasubramanian
3.High Court Raja
4.Minor S.Siva

... Respondents / Petitioners

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the award and decree made in M.C.O.P.No.254 of 2012 dated 15.10.2012 by the Motor Accident Claims Tribunal / IV Additional District Court, Tirunelveli.

For Appellant : Mr.P.Prabhakaran

For Respondents : Mr.S.Sivasubramanian

JUDGMENT

Aggrieved over the award passed by the Motor Accident Claims Tribunal, (IV Additional District Court), Tirunelveli in M.C.O.P.No.254 of 2012 the Transport Corporation has preferred the present Appeal.

2.M.C.O.P.No.254 of 2012 was filed claiming compensation of Rs.15 lakhs alleging that on 26.12.2011 when the daughter of the claimants 1 and 2 and sister of the claimants 3 and 4 was travelling in a bus belonging to the appellant / Transport Corporation bearing registration No.TN 72 N 1366 from Tiruchendur to Tirunelveli the bus was driven in a rash and negligent manner and the deceased Shyamala, who was standing near the front door of the bus, was thrown away and scummed to injuries. The appellant filed a counter stating that the deceased was travelling in the bus by standing in footboard despite repeated request of the driver of the bus to come inside the bus. Further, she has not



closed the door properly, as a result of which, she fallen down and sustained injuries and so they are not liable to pay compensation to the claimants.

3. Before the Tribunal, the 1st claimant examined herself as P.W.1 and narrated the accident as set out in the claim petition. She also produced Ex.P.1 FIR in support of her case. The driver of the bus, who was examined as R.W.1 has admitted in his cross examination, a criminal case was registered against him. Though the criminal case was closed as per Ex.R.1, the Tribunal accepting the evidence of P.W.1 has come to the conclusion that the driver of the bus was responsible for the accident.

4. According to the claimant, the deceased was studying B.Com., and she had secured 825 marks in +2 examination. Ex.Ps.3 to 5 the mark sheets corroborated the evidenced of P.W.1. The Tribunal assessed the income as Rs.3,000/- per month and awarded a sum of Rs.3,15,000/- towards loss of income, Rs.10,000/- towards funeral expenses and Rs.20,000/- towards loss of love and affection. In total, the Tribunal awarded Rs.3,45,000/- together with interest at 8% per annum. I am of the view that the award passed by the Tribunal is fair and reasonable and I do not find any merit in this appeal.

5. In the result, the award of the Tribunal is confirmed and the Civil Miscellaneous Appeal is dismissed. The appellant / Transport Corporation is directed to deposit the entire award amount with accrued interest and costs, within a period of 8 weeks from the date of receipt of a copy of this judgment, less the amount already deposited. On such deposit being made, the claimants are permitted to withdraw the award amount with interest and costs as apportioned by the Tribunal. No costs. Consequently, connected C.M.P. is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

nbj

To

The Motor Accident Claims Tribunal /
IV Additional District Judge, Tirunelveli.

+1CC to Mr.P.Prabhakaran, Advocate Sr.No.40348

GJM/CK/7.9.16-2p-3c