



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2016

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.M.A.(MD)No.742 of 2016
and C.M.P.(MD) No. 7332 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation,
Sekkalai Road,
Karaikudi

... Appellant/Respondent

Vs.

1.M.Meenatchi
2.M.Saravanan
3.Jeyalakshmi

... Respondents/Petitioners

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the decree and judgment passed in M.C.O.P.No.1596 of 2001 dated 27.07.2010 on the file of the Motor Accident Claims Tribunal/Additional District Court cum FTC No.1, Madurai.

For Appellant : Mr.M.Prakash

J U D G M E N T

This Civil Miscellaneous Appeal is directed by the Transport Corporation against the award dated 27.07.2010 passed by the Motor Accident Claims Tribunal-cum-Additional District Court-cum-FTC No.1, Madurai, in M.C.O.P.No.1596 of 2001.

2. Heard the learned counsel for the appellant and perused the materials available on record.

3. The wife and children of the deceased Manipandi who died in a road accident on 14.12.1999, filed a petition claiming compensation of Rs.3,00,000/-. It is alleged in the claim petition that when the deceased was proceeding in his TVS 50 Moped, from Madurai to Tirupuvanam, the bus belonging to the appellant Corporation bearing Registration No. TN-63-N-0643 which was coming on the same direction in a rash and negligent manner hit against the Moped resulting the deceased died on the spot. The appellant has stated in the counter that the accident happened due to the rash, negligent and careless driving of the deceased. So, they are not liable to pay compensation.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Before the Tribunal, in order to establish their case, the first claimant examined herself as P.W.1 and examined one



Alagar as P.W.2 and marked Exs.P.1 to P.8. On the side of the appellant, Mr.Subramanian was examined as R.W.1 and no document was marked.

5. P.W.2 is an eye witness to the occurrence and he has narrated the manner of accident. R.W. 1 has also admitted the accident in his cross-examination. Ex.P.1 is the First Information Report. Ex.P.2 is the Charge Sheet. The Tribunal accepting the evidence of P.W.2 and based on Ex.P.1 and P.2 rightly came to the conclusion that the driver of the bus caused the accident.

6. The first claimant has stated that the deceased was 42 year old. Ex.P.5 the Postmortem Certificate corroborates the evidence of the first claimant. P.W.1 has stated that the deceased was doing business in Masala Powder and pickle, thereby earning Rs.5,000/- per month. The claimants have not produced any proof for income of the deceased. So, the Tribunal assessed the monthly income of the deceased as Rs.3,000/-. After deducting 1/3rd towards his personal expenses, by applying the multiplier of 15 the Tribunal has awarded Rs.3,60,000/- towards loss of dependency, Rs.20,000/- towards loss of love and affection, Rs.10,000/- towards loss of consortium, Rs.2,000/- towards Transport Expenses, RS.3,000/- towards funeral expenses. The Tribunal has totally awarded Rs.3,95,000/- along with interest at the rate of 7.5% per annum.

7. The Tribunal had awarded the amount under the following heads:

Heads	Amount
Loss of dependency	Rs. 3,60,000/-
Loss of love and affection	Rs. 20,000/-
Loss of consortium	Rs. 10,000/-
For Transport Charges	Rs. 2,000/-
For Funeral Expenses	Rs. 3,000/-
Total	Rs. 3,95,000/-

Challenging this amount, the appellant has filed this appeal.

8. In the considered opinion of this Court, the award passed by the Tribunal is fair and reasonable and the same is confirmed.

9. The Transport Corporation is directed to deposit the entire award amount with interest and costs within a period of eight weeks from the date of receipt of copy of this order, less the amount already deposited. On such deposit being made, the claimants are permitted to withdraw the entire award amount with interest and costs.



10. Accordingly, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected C.M.P.(MD) No.7332 of 2016 is also dismissed.

Sd/-

Assistant Registrar

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/True Copy/

Sub Assistant Registrar

To,
The Motor Accident Claims Tribunal,
Additional District Judge cum FTC No.1, Madurai.

+1cc to M/s.M.Prakash, Advocate SR.No.41023

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