



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2016

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.M.A.(MD)No.824 of 2016
and C.M.P.(MD) No. 7853 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Ramanathapuram Division,
Ramanathapuram. ... Appellant/Respondent

Vs.

1.Nagan
2.Mahalakshmi ... 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.2005 of 2008 dated 21.12.2010 on the file of the Motor Accident Claims Tribunal cum I Additional District Judge, Madurai.

For Appellant : Mr.M.Prakash

J U D G M E N T

This Civil Miscellaneous Appeal is directed against the award dated 21.12.2010 made in M.C.O.P.No.2005 of 2008 on the file of the Motor Accident Claims Tribunal-cum- I Additional District Judge, Madurai.

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

3. The parents of the deceased Muthu Velayutham filed a petition seeking compensation of Rs. 8,00,000/-. According to the claimants, on 15.06.2008 when the deceased was riding a motorcycle from Ramanathapuram to Rameswaram, the bus belonging to the appellant Corporation bearing Registration No. TN-27-N-0817 came from opposite direction in a rash and negligent manner dashed against the motorcycle. In the impact, the deceased died on the spot. They alleged that the driver of the bus was responsible for the accident. The petition was resisted by the appellant by filing a counter disputing the manner of accident and their liability. It is also stated that the claim is excessive.

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

4. Before the Tribunal, on the side of the claimants, P.W.1 to P.W.3 were examined and Exs.P.1 to P.13 were marked and



on the side of the appellant, Mr.U.Ramu was examined as R.W.1 and no document was marked.

5. P.W.2, M.Balasubramanian, is an eye witness to the accident. He deposed in support of the case of the claimants. P.W.1 has marked Ex.P.1, the copy of First Information Report, Ex.P.2 is the report of the Motor Vehicle Inspector, Ex.P.3 Sketch and Ex.P.5 the copy of Charge Sheet. The Tribunal, while disbelieving the evidence of the driver of the bus, who was examined as R.W.1, held that the accident happened only due to the rash and negligent driving of the bus.

6. P.W.1, who is the father of the deceased, has deposed that his son was 25 year old at the time of accident and he was earning Rs.6,000/- per month. He has further stated that the deceased has completed two years course in Venkateshwara ITI during 1998 to 2000. Ex.P.11 corroborates the evidence of P.W.1. Ex.P.7 and Ex.P.8 are identity cards. Ex.P.9 is Salary Certificate. Based on the oral and documentary evidence, the Tribunal assessed the income of the deceased at Rs.6,000/- per month and after deducting 1/2 of the income towards his personal expenses, held that he was contributing Rs.3,000/- to his family. The Tribunal by applying the multiplier of '13' awarded Rs.4,68,000/- towards loss of dependency. In addition Rs.20,000/- was awarded towards loss of love and affection; Rs.5,000/- towards funeral expenses and Rs.7,000/- towards Transport Charges. The Tribunal totally awarded Rs.5,00,000/- 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. 4,68,000/-
Loss of love and affection	Rs. 20,000/-
For Funeral expenses	Rs. 5,000/-
For Transport Charges	Rs. 7,000/-
Total	Rs. 5,00,000/-

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. In view of the dismissal of the appeal, the appellant 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. In the result, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected C.M.P.(MD) No.7853 of 2016 is also dismissed.

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Sd/-
Assistant Registrar(CS II)
/True copy/

Sub Assistant Registrar

To,
The Motor Accident Claims Tribunal,
I Additional District Judge, Madurai.

+1cc to Mr.M.Prakash, Advocate SR.No.45953

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