

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2017

CORAM:

THE HONOURABLE MRS. JUSTICE. PUSHPA SATHYANARAYANA

CMA.No.390 of 2015

and

M.P.No.1 of 2015

The Managing Director,
Tamil Nadu State Transport
Corporation, Villupuram Appellant/Respondents 1

Vs.

1. Mookan
2. Pattu
3. Alagesan Respondents 1 to 3/Petitioners
4. Nagaraju Respondents 4/Respondents 2
5. The Divisional Manager,
National Insurance Company Limited,
Office, Second Floor,
Garlapatti Complex,
Palayam Post, Thuraiyur Taluk,
All Baigh Street,
Near Annapurna Theatre,
Vijayawada Respondents 5/Respondents 3

Prayer : Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 27.07.2012 made in M.C.O.P.No.49 of 2010 on the file of Motor Accident Claims Tribunal, Principal District Court, Perambalur.

For Appellant

: Mr.S.Sairaman

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J U D G M E N T

Challenging the finding of negligence as well as quantum of compensation awarded by the Claims Tribunal, in M.C.O.P.No.49 of 2010, dated 27.07.2012, the Transport Corporation has come forward with this Civil Miscellaneous Appeal.

2. The deceased Ramkumar, aged 24 years, an apprentice in TI Metal Forming, Thiruninravur, earning a sum of Rs.5,000/- per month died in an accident that occurred on 14.01.2009. Hence, his father, mother and brother filed a claim petition in M.C.O.P.No.49 of 2010, seeking a sum of Rs.7,00,000/- as compensation.

3. The Claims Tribunal, on consideration of oral and documentary evidence has awarded a sum of Rs.6,49,880/- as compensation. The break-up details of the same are as under:

Loss of income to the Family	-	Rs.6,32,880/-
Loss of Love and affection	-	Rs. 10,000/-
Funeral expenses	-	Rs. 5,000/-
Transport Charges	-	Rs. 2,000/-
Total		Rs.6,49,880/-

4. The learned counsel for the appellant would submit that no police officer was examined to prove the negligence on the part of the bus driver and the findings of the tribunal in respect of negligence aspect is contrary to the evidence on record. He would further submit that the amount of compensation awarded by the Claims Tribunal is very high and the same needs to be reduced.

5. A perusal of the award passed by the Claims Tribunal would go to show that the Claims Tribunal, on consideration of oral and documentary evidence has awarded compensation under different heads, which need not be interfered with.

6. As far as negligence is concerned, the Claims Tribunal on relying upon Ex.R1- Investigation report and also Ex.R2- Xerox copy of the order passed in M.C.O.P.No.269 of 2009 which was filed by the person who was injured in the same accident, has rightly fixed the negligence on the driver of the Transport Corporation and hence the same need not be interfered with.

7. In the result, this appeal is dismissed confirming the Judgment and decree of the Claims Tribunal, in M.C.O.P.No.49 of 2010, on the file of Motor Accident Claims Tribunal (Principal District Judge), Perambalur. The Appellant-

Transport Corporation is directed to deposit the entire award amount, within a period of six weeks from the date of receipt of a copy of this order. On such deposit being made, the claimants are permitted to withdraw. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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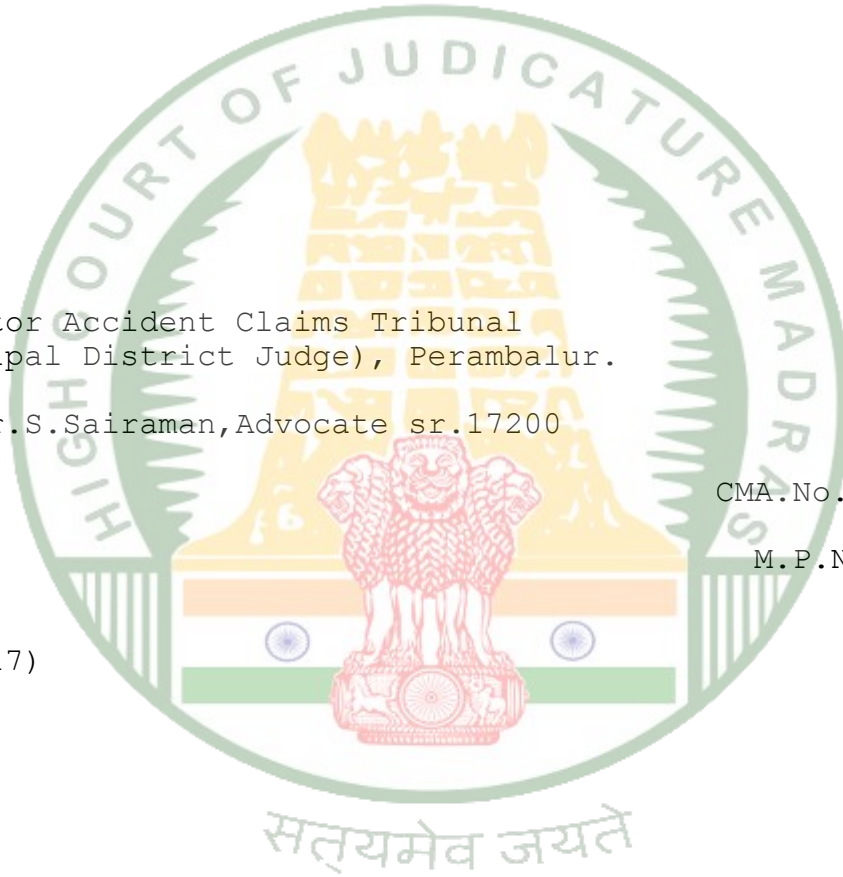
To

1. The Motor Accident Claims Tribunal
(Principal District Judge), Perambalur.

+1cc to Mr.S.Sairaman,Advocate sr.17200

CMA.No.390 of 2015
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M.P.No.1 of 2015

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