

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 20.03.2017

CORAM

THE HONOURABLE MS. JUSTICE PUSHPA SATHYANARAYANA

C.M.A. No.475 of 2015

and M.P.No.1 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation,
Kancheepuram ... Appellant/Respondent

Versus

1. V.Giridharan

2. Minor Toshik

3. Minor Srinikesh

4. R.Padmavathy

(Minor rep by its natural guardian and next friend,
father 1st respondent V.Giridharan)

... Respondents /Petitioner

Appeal filed under Section 173 of Motor Vehicle Act against
the judgment and decree passed by the Motor Accident Claims
Tribunal (District Judge, District Court-II) Kanchipuram in
M.C.O.P.No.48 of 2012 dated 18.09.2014.

For Appellant : Mr. P. Paramasiva Doss

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J U D G M E N T

Challenging the negligence as well as the quantum of
compensation awarded by the Claims Tribunal, in M.C.O.P.No.48 of
2012, dated 18.09.2014, the Transport Corporation has preferred
this Civil Miscellaneous Appeal.

2. The accident occurred on 08.10.2011 while the deceased-
Lavanya was a pillion rider in a motor cycle. It is alleged

that the respondent Corporation bus dashed on the back side of the motor cycle and caused the accident and the deceased fell down from the motor cycle and the back tyre of the bus ran over the head of the deceased and she died on the spot. The accident occurred only due to the rash and negligent act of the driver of the respondent-Corporation. Hence, her husband and minor children have filed M.C.O.P.No.48 of 2012, before the Motor Accident Claims Tribunal, seeking compensation for a sum of Rs.10,00,000/-. The Claims Tribunal, on consideration of oral and documentary evidence has awarded a sum of Rs. 8,60,600/- payable with interest at the rate of 7.5% per annum. The break-up details of the same are as under:

Compensation for loss of dependency	- Rs.6,12,000/-
Future prospects 30%	- Rs.1,83,600/-
Funeral expenses	- Rs. 5,000/-
loss of love and affection	- Rs. 60,000/-
Total	<u>Rs.8,60,600/-</u>

3. Challenging the same as excessive and disproportionate, the transport Corporation has filed this appeal.

4. The learned counsel for the appellant would submit that the notional income of the deceased was fixed at Rs.4,500/- per month. It is contended that no document has been filed to prove the avocation and income of the deceased. It is his further contention that the amount of compensation awarded is highly excessive.

5. Heard both sides and perused the materials on record.

6. A perusal of the award passed by the Claims Tribunal would go to show that the Tribunal has rightly fixed a sum of Rs.4,500/- as monthly income of the deceased without any proof. Since, the claimant is aged 26 years, the amount awarded towards other heads cannot be said to be excessive and the same need not be reduced.

7. As far as negligence is concerned, Ex.P-1-First Information Report has been registered against the driver of the bus. No evidence was adduced on the side of the Transport Corporation to prove the negligence on the part of the deceased.

8. In view of the same, I do not find any reason to interfere with the award passed by the Claims Tribunal.

9. In the result, this appeal is dismissed, confirming the

Judgment of the claims Tribunal in M.C.O.P.No.48 of 2012, dated 18.09.2014. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

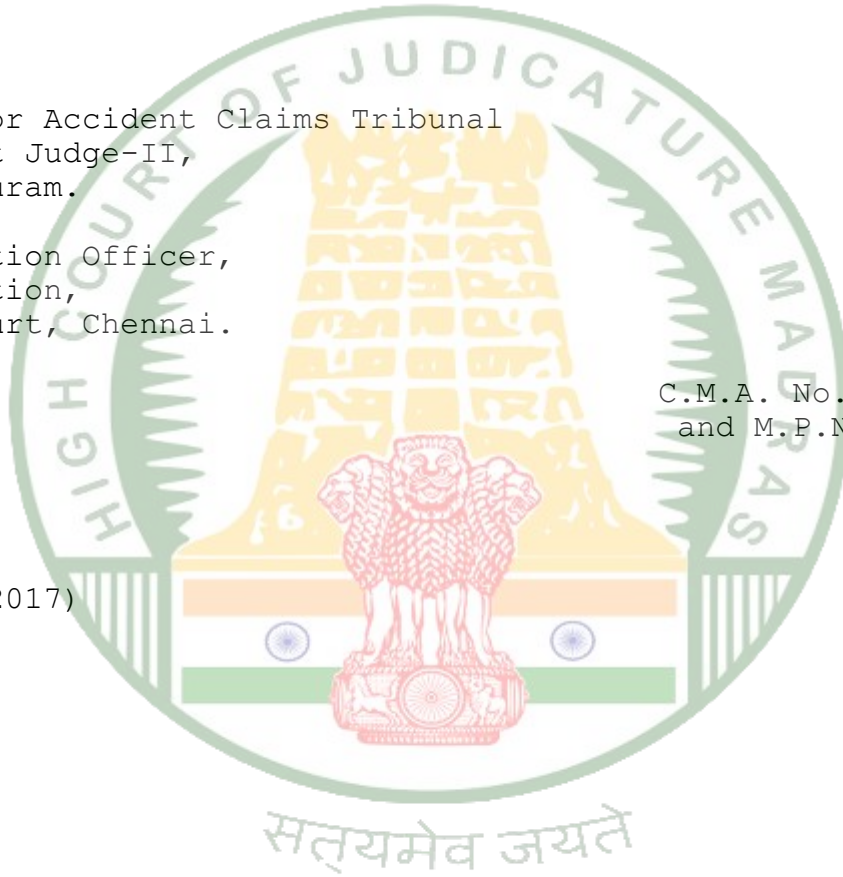
To

1.The Motor Accident Claims Tribunal
District Judge-II,
Kanchipuram.

2.The Section Officer,
V.R.Section,
High Court, Chennai.

C.M.A. No.475 of 2015
and M.P.No.1 of 2015

AD(CO)
GN(11/04/2017)



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