

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2017

CORAM : THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

CMA.No.2340 of 2009
and MP.No.1 of 2013

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Kumbakonam Division-II,
Periamilagu Parai, Collectors Office Road,
Trichy - 1. ... Appellant/1st Respondent

Vs.

1.S.Inthrani
2.S.Shanmugapriya
3.B.Rajalakshmi
4.S.Balasubramaniam ... Respondents/Petitioners

Prayer : Civil Miscellaneous Appeal preferred under Section 173 of the Motor Vehicles Act 1988, against the judgment and decree dated 22.01.2009 made in MCOP.No.1051 of 2003 on the file of the Motor Accident Claims Tribunal, Addl. District Judge & FTC No.2, Salem.

For Appellant : Mr.D.Venkatachalam

For Respondents : No Appearance

JUDGMENT

On 22.04.2003, at about 6.30 p.m. one Singaravelu was riding in his motorcycle bearing No.TN 34A-4430 along Tiruchengode - Erode Main Road, when a bus bearing No.TN 45N-1422 belonging to the appellant dashed against him, owing to which, he died while being shifted to the hospital from the accident site. Seeking a compensation of Rs.10,00,000/-, his widow, daughter and parents moved the Tribunal. The Tribunal held that the accident had occasioned due to the negligence of the driver of the bus and passed an award for Rs.6,23,336/- and directed the appellant to pay the compensation with interest at 7.5% per annum. The quantum awarded by the Tribunal is now under challenge in this appeal.

2. The learned counsel for the appellant argued that the Tribunal went wrong in relying on the Ext.P-3, salary certificate in its entirety and that too without a formal proof through author of the document. However, when going through the evidence, this Court finds that on all heads of non-pecuniary damages, the Tribunal has passed a bare Rs.5,000/- towards loss of estate and

Rs.2,000/- towards funeral expenses. Even on the head of loss of consortium, it has granted only Rs.5,000/-.

3. Taking the overall view of the approach of the Tribunal, there is hardly any material available on record to prompt this Court to interfere with the award passed.

4. In the result, I find no merit in the appeal and hence it is dismissed, but without costs. The award of the Tribunal is confirmed, and the appellant is directed to deposit the award amount along with the accrued interest as determined by the Tribunal, less amount already deposited, within a period of six weeks from the date of receipt of a copy of this order, whereupon the claimants are permitted to withdraw their proportionate share in the same ratio as fixed by the Tribunal forthwith. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To:

1.The Additional District Judge
Fast Track Court No.II
Motor Accident Claims Tribunal
Salem.

2.The Section Officer
VR Section
High Court Madras,
Chennai.

+1cc to Mr.D.Venkatachalam, Advocate, S.R.No.55065

NRJK (CO)
GN(12/10/2017)

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