

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2017

CORAM : THE HONOURABLE Mr. JUSTICE N.SESHASAYEE

CMA.Nos.934 and 935 of 2008
and MP.Nos.1 and 1 of 2008

CMA.No.934 of 2008:

The Managing Director,
Tamil Nadu State Transport
Corporation Ltd., Salem
Ramakrishna Road,
Salem District.

...Appellant

Vs.

1.Mohan
2.Saravanan

...Respondents

CMA.No.935 of 2008:

The Managing Director,
Tamil Nadu State Transport
Corporation Ltd., Salem
Ramakrishna Road,
Salem District.

...Appellant

Vs.

1.Mohan
2.Ramasamy
3.Mathammal
4.Saravanan

...Respondents

Common Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the award dated 21.09.2007 made in MCOP.No.218 of 2006 and MCOP.No.237 of 2006 respectively on the file of the Motor Vehicles Accident Claims Tribunal, Sub Court at Sangagiri.

For Appellant :Mr.D.Venkatachalam
(in both CMAs)
For Respondents :Mr.C.Kulanthaivel [R1]
(in CMA.No.934/2008)

For Respondents :Mr.C.Kulanthaivel [R1 to R3]
(in CMA.No.935/2008)

COMMON JUDGMENT

The appellant/Transport Corporation that was arrayed as the second respondent in MCOP.Nos.218 of 2006 and 237 of 2006 respectively on the file of MACT, Sub Court, Sangagiri, challenges the liability fastened on it.

2. On 01.04.2006 at about 9.00 pm, Mohan was riding in his two wheeler along the road margin with his young wife Bakiyam aged 23 years and his minor daughter in the pillion. Bhakiyam was pregnant at that time. While so, a bus bearing No.TN27 M 1653 belonging to the appellant came from behind knocked the motor cycle due to which Mohan was thrown off and his wife and daughter were killed on the spot as bus ran over them. Mohan, therefore preferred two claim petitions one in MCOP.No.218 of 2007 for the loss of his daughter and another along with the parents of his wife in MCOP No.237 of 2007 for the death of his wife. For the loss of daughter, a claim of Rs.3,50,000/- was made, whereas for the loss of his wife a claim of Rs.7,00,000/- was made.

3. The only point of defence that the appellant took in its counter was that the rider of the motor cycle was travelling on the mud portion that fringes the tar road from where he suddenly entered the road. The Tribunal did not consider it a valid defence and found it a sort of an admission on the part of the appellant that Mohan was riding on the left hand edge of the road. Turning to compensation, it awarded Rs.2,25,000/- for the loss of the minor daughter and for loss of Mohan's wife Bakiyam, it determined the compensation payable at Rs.5,00,000/-. In arriving at this sum, it reckoned the employment of Bakiyam in a powerloom where she was earning Rs.4,500/- per month and valued it for 6 months (Rs.27,000/-) and added another Rs.10,000/- towards her contribution towards other employment and arrived at a sum Rs.37,000/- After providing 1/3rd to her personal expenses and by applying a multiplier of 17, her contribution to the family is arrived at Rs.4,25,000/-.

4. Heard Mr.D.Venkatachalam, the learned counsel appearing for the appellant and Mr.C.Kulanthaivel, the learned counsel who appears for the first respondent in CMA.No.934 of 2008 and respondents 1 to 3 in CMA.No.935 of 2008.

5. On perusing the records and going through the impugned awards, I find no aspects where the Tribunal could be found fault with. I find no merits in the appeals. I therefore, confirm the awards passed by the Tribunal and the appellant/Transport Corporation is directed to deposit the award amounts that was awarded by the Tribunal in both the claim petitions with all accrued interest, less if any already deposited within a period of four weeks from the date of receipt of a copy of this order and on such deposit the claimants are entitled to receive the award amounts forthwith. The claimants are permitted to withdraw their respective shares as apportioned by the Tribunal.

6. In the result, these appeals are dismissed without costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-III)

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Sub Assistant Registrar

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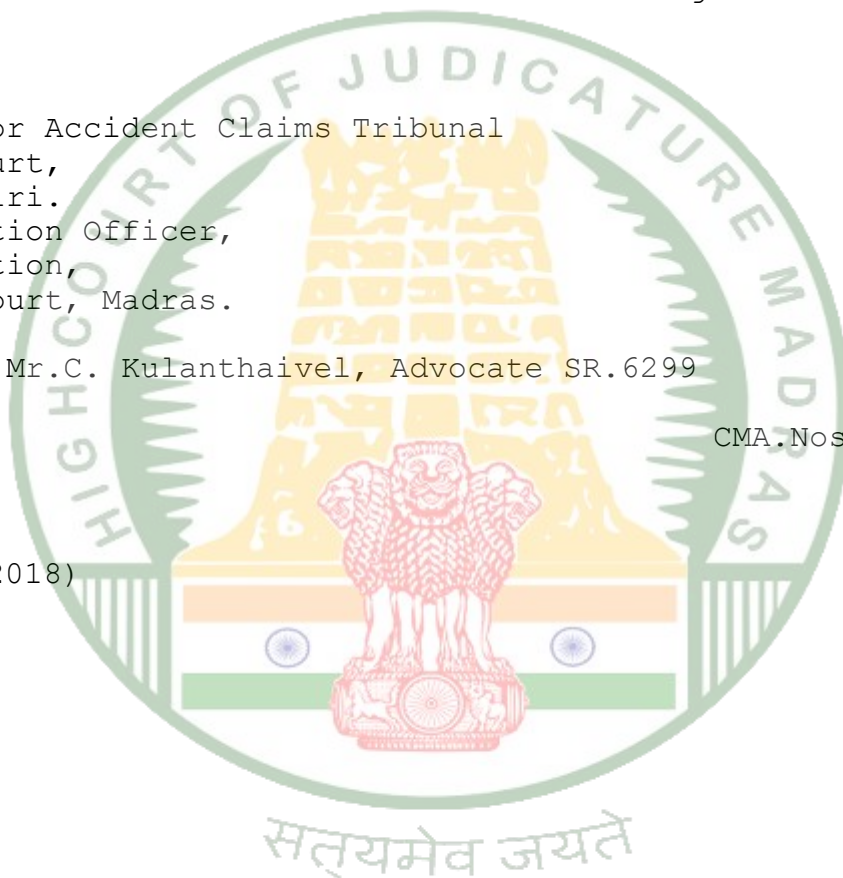
1.The Motor Accident Claims Tribunal
Sub Court,
Sangagiri.

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

+ 1 cc to Mr.C. Kulanthaivel, Advocate SR.6299

CMA.Nos.934 and 935
of 2008

mv (CO)
EU(08/01/2018)



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