

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

C.M.A.NPD.No.2993 of 2003

and

C.M.P.No.18408 of 2003

Tamil Nadu State Transport Corporation
(K-Dn-I) Ltd.,
Represented by the Managing Director,
Kumbakonam.

.. Appellant

Vs.

1. Thiyagarajan
2. Mahalingam
3. Ramalingam
4. Durairasu
5. Balu

.. Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 13.08.2001 made in M.A.C.T.O.P.No509 of 2001 on the file of the Motor Accident Claims Tribunal (Principal District Judge) at Nagapattinam.

For Appellant : Mr.Krishnamoorthy

For R1 to R4 : Batta due

For R5 : Served No Appearance

JUDGMENT

This appeal is preferred by the Transport Corporation, challenging the quantum of compensation awarded by the Tribunal.

2. On 11.06.1996, a certain Vaduvammal while alighting from the bus belonging to the appellant fell down due to the negligence of its driver. She suffered injuries and later succumbed to them. Seeking compensation of Rs.2,00,000/-, her heirs have moved the Tribunal and the Tribunal has awarded a total compensation of Rs.1,18,0000/- payable with interest at the rate of 12% per annum. Challenging the quantum, the Transport Corporation has moved this Court.

3. The learned counsel for the appellant submitted that the entire award amount has been deposited before the Tribunal and the same has been withdrawn by the claimants. On perusing the material papers available in this case, it is seen that the deceased was aged about 60 years and the Tribunal has reckoned her annual income at Rs.18,000/-, and after deduction of 1/3rd, annually, multiplier 8 is applied, and arrived at the monetary value of the loss of support to the family at Rs.96,000/-. For funeral expenses Rs.2,000/- was awarded and for loss of consortium Rs.10,000/- was awarded and towards loss of love and affection Rs.10,000/- was awarded by the Tribunal.

4. The notice in this case has not been served on the respondents/claimants for almost fourteen years since filing of the appeal, and therefore, this Court, decides to test the case of the appellant on its own merits.

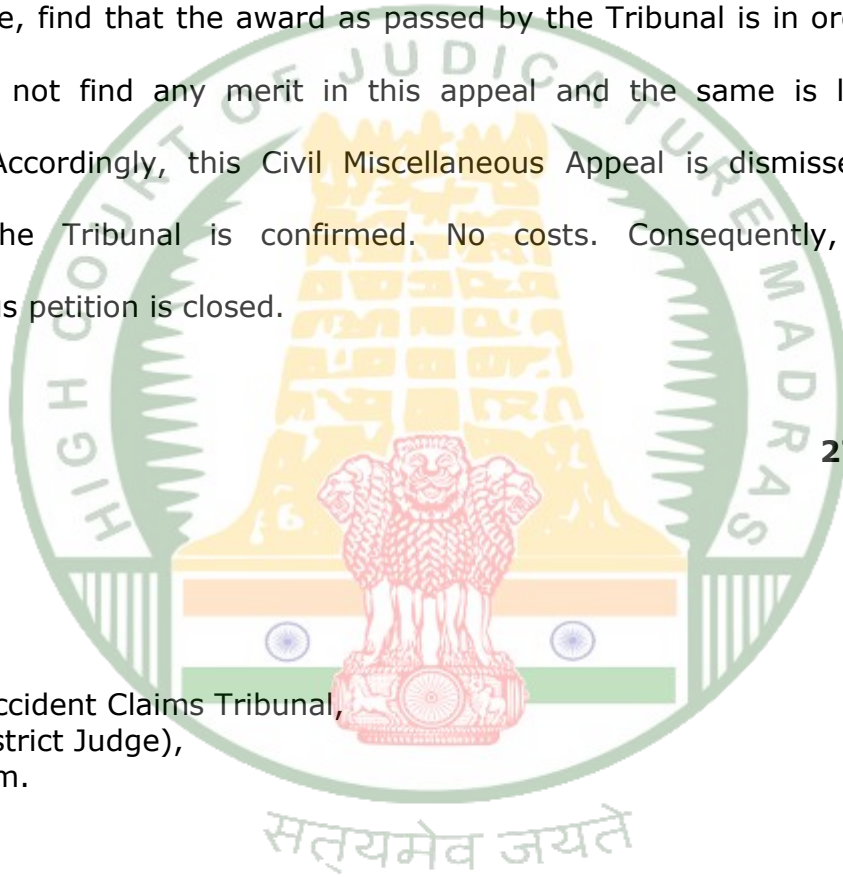
5. I therefore, find that the award as passed by the Tribunal is in order. In the result, I do not find any merit in this appeal and the same is liable to be dismissed. Accordingly, this Civil Miscellaneous Appeal is dismissed and the award of the Tribunal is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

27.10.2017

ssn

To

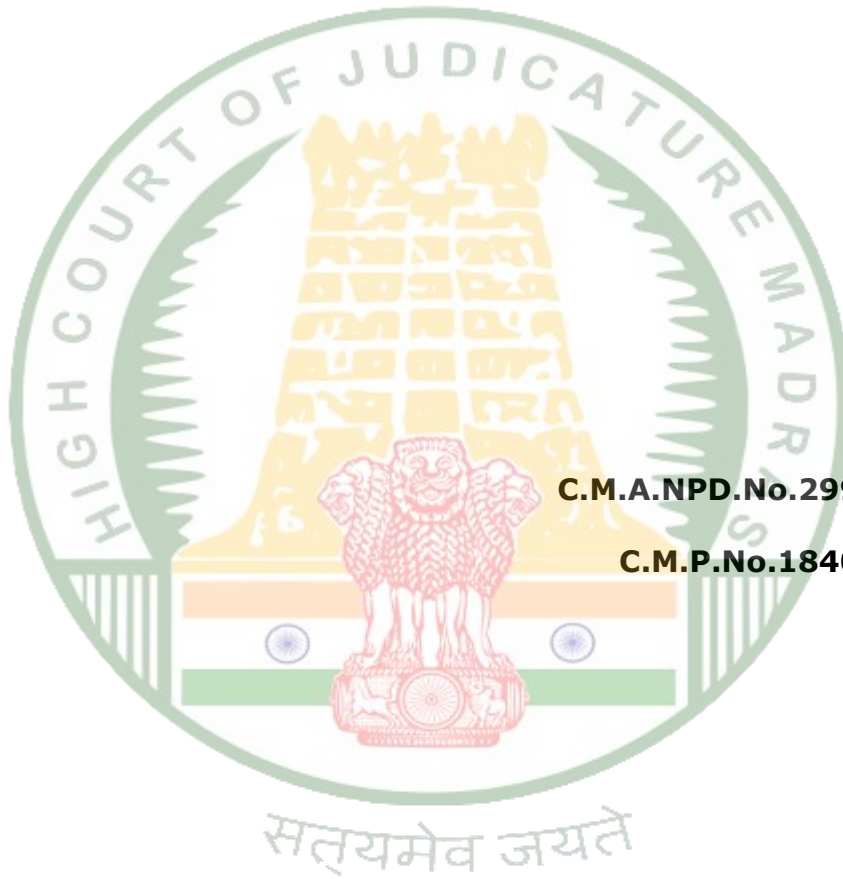
The Motor Accident Claims Tribunal,
(Principal District Judge),
Nagapattinam.



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N.SESHASAYEE, J.,

ssn



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