



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2017

Coram:

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.M.A(MD)No.550 of 2017

and

C.M.P(MD)No.5853 of 2017

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
19, Thiruvananthapuram Road,
Vannarpettai,
Thirunelveli.

.. Appellant/Respondent

-Vs-

1.A.Senthil Arumugam

2.S.Saraswathi

..Respondents/Petitioners

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the award and decree made in M.C.O.P.No.424 of 2014 dated 05.10.2015, on the file of the Motor Accident Claims Tribunal(Principal District Court), Thoothukudi.

For Appellant : Mr.P.Prabhakaran

JUDGMENT

This Civil Miscellaneous Appeal has been filed against the award in M.C.O.P.No.424 of 2014, dated 05.10.2015, on the file of the Motor Accident Claims Tribunal(Principal District Court), Thoothukudi.

2.The Transport Corporation suffered an award for a sum of Rs.3,90,000/- for the death of an Engineering Student in a road accident that took place on 23.07.2014. The Tribunal taking into account the evidence of an independent witness namely P.W.3, who was a co-passenger had held that it was the negligence of the driver of the bus which had caused the accident. Though the driver of the bus was examined, his evidence was rejected on the ground that he has deposed that the deceased was travelling on the rear foot-board, which was not the case of any of the parties to the proceedings. Therefore, I do not find any reason to interfere with the findings on negligence.



3. On quantum, Mr.P.Prabhakaran, learned counsel for the appellant/Transport Corporation would contend that the Tribunal erred in awarding a sum of Rs.1 lakh per head for the parents of the deceased for loss of love and affection. Though the award of Rs.1 lakh per head for the parents of the deceased seems to be on higher side, since the Tribunal had awarded only a sum of Rs.1,80,000/- towards loss of dependency, which is very much on the lower side, I do not think that the whole award is unreasonable. Hence I do not find any merit in the appeal and thus the appeal fails.

4. Accordingly, the Civil Miscellaneous Appeal is dismissed. Consequently, connected Miscellaneous Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The Motor Accident Claims Tribunal,
(Principal District Court),
Thoothukudi.

+1CC TO Mr.P.PRABHAKARAN, ADVOCATE, SR NO.62985

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JM/JC/SAR 1/27.07.2017/2P/3C