



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2017

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.404 of 2015

and

M.P(MD)No.1 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation,
Railway Station Road,
Kumbakonam.

... Appellant

VS

1.Kokilam
2.Muthulakshmi
3.Mariammal
4.Saranya
5.Nithyandam

... Respondents

Prayer: Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the order and decree dated 05.09.2014 passed in M.C.O.P.No.1131 of 2013 on the file of the Motor Accident Claims Tribunal / Special District Court, Thanjavur.

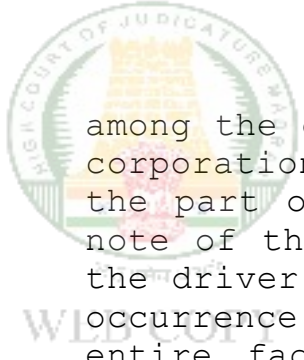
For Appellant : Mr.P.Prabhakaran

For Respondents : Mr.P.Sesu balan raja for R1 to R4
Mr.O.K.Megavarnan for R5

J U D G M E N T

Tamil Nadu State Transport Corporation has filed this Civil Miscellaneous Appeal challenging the award dated 05.09.2014 made in MCOP.No.1131 of 2013 on the file of the Motor Accident Claims Tribunal / Special District Court, Thanjavur.

2.The respondents 1 to 4 herein are the claimants. They are the wife and children of the deceased Sivasamy. He met with an accident on 03.06.2012 involving the bus belonging to the appellant corporation. The Tribunal awarded a sum of Rs.6,43,000/- with interest. Due apportionment was also made



among the claimants. The said award is questioned by the appellant corporation on the ground that the entire negligence was fixed on the part of the driver of the corporation. The Court below took note of the fact that Crime No.197 of 2012 was registered against the driver of the appellant corporation. PW.2 was examined as the occurrence witness. The Court below after considering the entire facts and circumstances, came to the finding that the accident took place on account of the rash and negligence of the driving of the driver employed by the appellant corporation. There is no need to interfere with the said finding.

3.As regards the quantum of compensation payable to the claimants, the Tribunal fixed the monthly income at Rs.6,000/-. One third reduction was also made. The correct multiplier was adopted. In fact, for loss of consortium and loss of love and affection only lesser amount was awarded. Therefore, the compensation amount awarded by the Tribunal cannot be said to be excessive. There is no merit in this appeal. It stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

The Special District Judge,
Motor Accident Claims Tribunal,
Thanjavur.

Copy to:

The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court, Madurai.

+ 1 cc TO Mr.P.Sesu Balan Raja , Advocate in SR No. 82445
+ 1 cc TO Mr.P.Prabhakaran , Advocate in SR No. 82350

Skm

AE/JC/SAR3/15.11.2017/2P/5C

**C.M.A. (MD) No.404 of 2015
and**

**M.P (MD) No.1 of 2015
11.10.2017**