WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.490 of 2015
and
MP(MD)No.1 of 2015

Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd,
Represented through its Managing Director,
Office at Kumbakonam. ... Appellant/Respondent

Vs.

1.Vidhya

2.Minor Thivakar
3.Minor Sivakarthick
(Minor respondents 2 and 3
rep.through their mohter/
Natural guardian Vidhya, 1st
respondent herein)

4.Saradha ... Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, against the judgment and decree dated 17.11.2014 made in M.C.O.P.No.83 of 2013 on the file of the Motor Accidents Claims Tribunal / V Additional District Court, Madurai.

For Appellant : Mr.P.Prabhakaran
For Respondents : Mr.K.Sekar

JUDGMENT

Tamil Nadu State Transport Corporation (Kumbakonam) Limited has filed this appeal questioning the award dated 17.11.2014 made in M.C.O.P.No.83 of 2013 on the file of the Motor Accidents Claims Tribunal / V Additional District Court, Madurai.

2.The claimants are the wife, children and mother of the deceased Saminathan. He was riding his two wheeler along with one Kandan @ Irulandi when the bus belonging to the appellant corporation dashed against them and caused the accident. Both the riders died. Crime No.346/2012 was registered against the driver

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

employed by the appellant. The deceased was 26 years old on the date of accident. Though the claimants claimed that he was earning Rs.15,000/- per month, the Tribunal fixed his monthly salary only at Rs.6,000/-. After taking into account the fact that the F.I.R was registered against the driver and other attendant circumstances, negligence was fixed on the appellant. The same does not deserve any intervention.

3.The Tribunal noted that the family comprised not only the deceased but also his aged mother, wife and two minor children. Only 1/4th deduction can be made. This is correct. The family would have been given a sum of Rs.4,500/- per month. After adopting the correct multiplier, pecuniary loss was quantified at Rs.9,18,000/-. The damages awarded under other heads cannot be said to be excessive. In all, Rs.11,58,000/- was awarded. The appellant has not made out a case for intervention. This appeal is therefore dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

1. The V Additional District Judge,
   Motor Accidents Claims Tribunal,
   Madurai.

2. The Record Keeper, V.R.Section,
   Madurai Bench of Madras High Court,
   Madurai.

+ 1 CC TO Mr.P.PRABHAKARAN, ADVOCATE IN SR No. 83365
+ 1 CC TO Mr.K.SEKAR, ADVOCATE IN SR No. 83375

SKM
TE/SV-MMS/SAR-II : 20/11/2017 : 2P/5C

C.M.A.(MD)No.490 of 2015 and
MP(MD)No.1 of 2015
23.10.2017

https://hcservices.ecourts.gov.in/hcservices/