



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.558 of 2015

and

MP(MD)No.1 of 2015

The Managing Director,
State Express Transport
Corporation Limited,
Pallavan Salai, Chennai-2,
Tamil Nadu.

... Appellant/Respondent

Vs.

1.Thayalnayaki

2.Mariammal

... Respondents/Petitioners

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree dated 16.10.2014 passed in M.C.O.P.No.70 of 2013 on the file of the Motor Accident Claims Tribunal / Special District Court, Thanjavur.

For Appellant : Mr.P.Prabhakaran

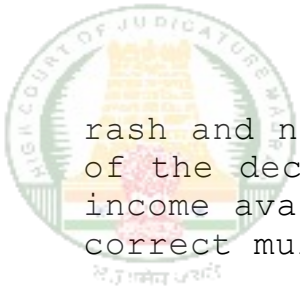
For Respondents : No appearance

JUDGMENT

State Express Transport Corporation Limited has filed this appeal questioning the award dated 16.10.2014 made in M.C.O.P.No.70 of 2013 on the file of the Motor Accident Claims Tribunal / Special District Court, Thanjavur.

2.The respondents herein are the claimants. The deceased was the husband of the first respondent herein and father of the second respondent herein. He was an agricultural coolie. He was travelling in his bicycle on 09.06.2012 when the bus belonging to the appellant corporation caused the accident in question.

3.The Tribunal took note of the F.I.R and also the testimony of the eyewitness PW.2 and came to the conclusion that the driver employed by the appellant corporation caused the accident by his



rash and negligent driving. The Tribunal fixed the monthly income of the deceased at Rs.6,000/-. After deducting 1/3rd, the monthly income available for the family was quantified at Rs.4,000/-. The correct multiplier of 11 was adopted.

4. The Tribunal after awarding damages under the other heads, fixed the total compensation at Rs.6,28,000/-. It cannot be said to be excessive. There is no merit in this appeal. It stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

- 1 .The Motor Accident Claims Tribunal /
Special District Court, Thanjavur.
2. The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

Copy to

1. Thayalnayaki,
Raja Raja Cholan Nagar,
Thanjavur Town, Thanjavur District.
2. Mariammal,
Raja Raja Cholan Nagar,
Thanjavur Town, Thanjavur District.

+1cc to Mr.P.Prabhakaran, Advocate Sr.No.83368

SKM

VB/MR/KKR/SAR4/13/11/2017/2P/6C

**C.M.A. (MD) No.558 of 2015
and
MP (MD) No.1 of 2015**

23.10.2017