



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.653 of 2015

and

M.P((MD)No.3 of 2015

The Branch Manager,
Tamil Nadu State Transport Corporation,
Sivagangai. ... Appellant/3rd Respondent

Vs.

1.Rasu ...1st&2nd Respondents/Petitioners
2.Saratha
3.Selvam
4.Manoharan ...3rd&4th Respondents/1st&2nd Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree made in MCOP.No.29 of 2010 dated 01.11.2010 on the file of the Motor Accident Claims Tribunal cum Sub Court, Devakottai.

For Appellant : Mr.M.Prakash

For Respondents : Mr.R.Sevuga Raja for
M/s.Mother Land Associates
for R1 and R2
R3 and R4 given up.

JUDGMENT

The Civil Miscellaneous Appeal has been filed by Tamil Nadu State Transport Corporation challenging the award dated 01.11.2010 made in MMCOP.No.29 of 2010 on the file of the Motor Accident Claims Tribunal cum Sub Court, Devakottai.

2.The mother of the claimants was travelling as a passenger in the bus belonging to the appellant corporation on 22.09.2007. Before she could get down from the bus, the conductor had blown the whistle and the bus was moved. The deceased Lakshmi fell down and suffered injuries and died as a result. She was aged about 70 years.

3.The Court below awarded a sum of Rs.2,70,000/- after fixing of negligence on the driver of the appellant corporation. As regards the fixing of negligence, there is no need to interfere.



The Tribunal took note of the fact that not only in the F.I.R but also final report was filed against the employees of the appellant corporation.

4. By adopting the multiplier 5, the pecuniary loss was fixed at Rs.1,80,000/-. The damages awarded under other heads cannot be said to be excessive. This appeal is without any merit. It stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

To

1. The Motor Accident Claims Tribunal
(Subordinate Judge)
Devakottai.

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

+One c to Mr.M.Prakash, Advocate, SR.No.83202

skm
RL/4C/2P/KP/SAR1/13/11/2017

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