



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.828 of 2015

and

M.P.(MD).No.2 of 2015

The Managing Director
Tamil Nadu State Transport
Corporation Limited,
Kumbakonam.

... Appellant/Respondent

Vs.

1.Rajathi
2.Selvakumar
3.Ashokkumar
4.Lakshmi

... Respondents/Petitioners

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988 to set aside the judgment and decree dated 17.10.2014 passed in M.C.O.P.No.1205/2013 on the file of the Motor Accidents Claims Tribunal/Special District Court, Thanjavur.

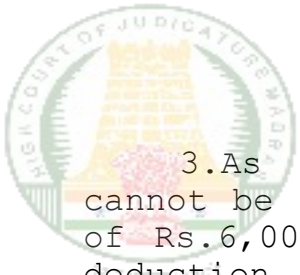
For Appellant
For Respondents

: Mr.P.Prabhakaran
: Mr.D.Veerasekaran
for R.1 to R.4

JUDGMENT

Tamil Nadu State Transport Corporation Limited, Kumbakonam has filed this appeal, challenging the award dated 17.10.2014 made in M.C.O.P.No.1205/2013 on the file of the Motor Accidents Claims Tribunal/Special District Court, Thanjavur.

2.The respondents herein are the claimants. According to them, Dakshinamoorthy, the husband of the 1st respondent and father of the other respondents died in an accident involving the bus belonging to the appellant Corporation on 21.04.2013. Crime No.102 of 2013 was registered on the file of Ayyampettai Police Station against the bus driver. The Tribunal awarded a sum of Rs.5,82,000/- with interest at the rate of 7.5% per annum. The Tribunal fixed the negligence on the driver employed by the appellant Corporation based on the testimony of the occurrence witnesses PW2 and PW3, the FIR and other evidentiary material on record. The finding of negligence fixed on the appellant's driver does not call for interference.



3.As regards the compensation awarded to the claimants, it cannot be said to be excessive. The Tribunal has taken only a sum of Rs.6,000/- as notional income per month and applied one third deduction. The correct multiplier was adopted. Therefore there is nothing to interfere in this case. This appeal is without any merit. It stands dismissed. The award passed by the Tribunal is confirmed. The appellant is directed to deposit the entire award amount with 7.5 % interest from the date of petition till the date of realisation along with costs, within a period of twelve weeks from the date of receipt of a copy of this order, less the amount already deposited, if any. On such deposit, the claimants are permitted to withdraw the entire award amount, less the amount already withdrawn by them, if any, as apportioned by the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1.The Motor Accidents Claims Tribunal/
Special District Court, Thanjavur.

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

+One cc to Mr.P.Prabhakaran, Advocate, SR.no.83681

+One cc to Mr.D.Veerasekaran, Advocate, SR.No.83057

tsg

RL/5C/2P/SKN/RSK/SAR4/27/12/2017

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