



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.M.A. (MD) Nos. 97, 98 and 99 of 2015
and
M.P. (MD) Nos. 1, 1 and 1 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam Division) Limited
New Railway Station Road,
Kumbakonam - 612 001.

... Appellant/Respondent
in all C.M.As

Vs.

1. Rajamanickam
2. Arockiamary
3. Aravindraja

... Respondents/Petitioners
in C.M.A. (MD) No. 97/2015

1. Neelavathi
2. Sudharani
3. Vijyakumar
4. Minor. Sathiskumar

(The Minor 4th respondent is represented by his mother and natural guardian Neelavathi the 1st respondent)

... Respondents/Petitioners
in C.M.A. (MD) No. 98/2015

1. Mathi,
2. Muruganandam
3. Chandrasekar

... Respondents/Petitioners
in C.M.A. (MD) No. 99/2015

COMMON PRAYER : These Civil Miscellaneous Appeals are filed under Section 173 of the Motor Vehicle Act, against the Judgment and decree dated 25.04.2014 made in M.C.O.P Nos. 388 to 390 of 2013, on the file of the Motor Accident Claims Tribunal/Special District Court, Tiruchirappalli.

For Appellant : Mr. P. Prabhakaran in all C.M.As
For Respondents : Mr. T. Senthil Kumar in all C.M.As



COMMON JUDGMENT

The appellant Transport Corporation has filed these appeals questioning the award of the Tribunal both on the ground of quantum as well as on the ground of negligence. The Tribunal has fixed only 10% contributory negligence in one case. The Tribunal had taken note of the testimony of the eye witnesses. The eye witnesses have deposed that the driver of the appellant Transport Corporation had driven the bus in a rash and negligent manner. The First Information Report was registered against the bus driver. Final report was also filed only against the bus driver. It is however an admitted fact that three persons rode the two wheeler. It is for this reason the Tribunal fixed 10% contributory negligence on the rider of the two wheeler. The reason assigned by the Tribunal is sound and did not warrant any interference. As regards quantum of compensation, it is seen that only a sum of Rs.4,500/- was notionally taken as monthly income for all the three deceased. The three deceased were bachelors. So 50% deduction was effected. The correct multiplier was applied. The award amount cannot be said to be excessive.

2. Therefore, the award dated 25.04.2014 made in M.C.O.P Nos.388 to 390 of 2013, on the file of the Motor Accident Claims Tribunal/Special District Court, Tiruchirappalli is confirmed. These Civil Miscellaneous Appeals are dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To
The Special District Judge,
The Motor Accident Claims Tribunal, Tiruchirappalli.

Copy to:- The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court, Madurai.

+3 ccs to Mr.P.Prabhakaran, Advocate, SR.Nos.85806,85807,85808
+One cc to Mr.T.Senthilkumar, Advocate, SR.No.85736

kmi/dss
RL/7C/2P/SKN/RSK/SAR1/11/12/2017

C.M.A. (MD).Nos.97 to 99 of 201507.11.2017