



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.12.2012

CORAM

THE HON'BLE MR.JUSTICE P.DEVADASS

C.M.A. (MD) No.1546 of 2011
&
M.P. (MD) No.1 of 2011

The Managing Director
Tamil Nadu State Transport Corporation Ltd.
Kumbakonam

..Appellant/Respondent

Vs.

1.Gunaseelan
2.Amirtha Prisilin (Minor)
3.Veronica (Minor)
(Minors rep. by their Father/
Guardian-1st respondent herein)

..Respondents/Claimants

PRAYER:- Appeal against the judgment and decree dated 18.04.2011 made in M.C.O.P. No.735 of 2010 by the Motor Accidents Claims Tribunal (Additional District and Sessions Court cum Fast Track Court No.I), Tirunelveli.

For Appellant : Mr.M.Prakash
For Respondent - 1 : Mr.R.Subramanian

J U D G M E N T

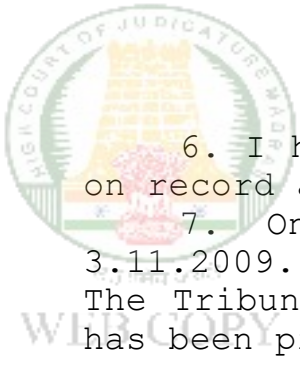
In this appeal, the Transport Corporation disputes the quantum of compensation awarded.

2. On 3.11.2009, one Vennila, a Secondary Grade Teacher, who travelled in the ill-fated bus, lost her life in the road accident.

3. The abundant evidence let in discloses that her life was snatched untimely because of the rash and negligent driving of the bus driver. Her husband and children claimed compensation. The Tribunal awarded them Rs.13,25,000/-.

4. Learned counsel for the appellant would contend that the husband of the deceased/first respondent is an earning member, he did not dependent on her. Further, Ex.P.11 - Salary Certificate has not been properly appreciated by the Tribunal. The Tribunal awarded excessive amount.

5. On the other hand, the learned counsel for the respondents would contend that the deceased was an earning member. To establish this, Ex.P.11 has been marked. She gave her income to the family. Actually, what was awarded by the Tribunal is very less.



6. I have considered the rival submissions. Perused materials on record and also the impugned award of the Tribunal.

7. One Vennila lost her life in the road accident on 3.11.2009. Then, she was 30 years old. A Secondary Grade Teacher. The Tribunal took the multiplier '16'. Ex.P.11-Salary Certificate has been proved through P.W.3.

8. First respondent had lost his wife. It is a great loss to him. Respondents 2 and 3 have lost their mother. Whatever she earned, she had contributed to the family. Her untimely death deprived them of her income.

9. Taking into account her age, income, appropriate multiplier and after making proper deduction, the Tribunal arrived at the compensation amount. It had also awarded compensation for loss of consortium to the first respondent, for loss of love and affection to the children and a small amount towards cremation expenses. In the facts and circumstances, what was awarded is neither high nor low, but, just, fair and reasonable. There is no valid ground to interfere with the award of the Tribunal.

10. In the result, this Civil Miscellaneous Appeal is dismissed. The award of the Tribunal is confirmed. Within 4 weeks from the date of receipt of a copy of this Judgment, the appellant shall deposit the entire amount, less amount, if any, already deposited. On such deposit, the first respondent shall be paid his share of amount, less amount, if any already withdrawn. The share of minors shall be kept in Bank deposit, upto 18 years of their age. However, accrued interest thereon shall be regularly paid to the first respondent. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To:

The Motor Accidents Claims Tribunal,
(Additional District and Sessions Court/Fast Track Court No.I)
Tirunelveli.

+1C.C. to M/s.R.Subramanian, Advocate in Sr.No.41921

+1C.C. to M/s.M.Prakash, Advocate in Sr.No.42233

C.M.A.(MD) No.1546 of 2011
10.12.2012

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