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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2018

CORAM:

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM, J.

C.M.A.No.2845 of 2004
and C.M.P.No.16331 of 2004

The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division-II, ltd.,
Vellore-9
(Cause title accepted vide order of Court
dated 28.09.04 and made in C.M.P.No.15074/04)

.. Appellant/Respondent

Vs.

1.S.Rajamani
2.Shanthi
3.Latha
4.S.Venkateswaran
5.S.Chandra

.. Respondents/Petitioners

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the award and decree passed by the Motor Accident Claims Tribunal (Principal Sub Court), Salem, in MCOP No.589 of 1997, dated 10.11.2000.

For Appellant : Mr.S.V.Vasantha Kumar

For Respondents : No appearance

JUDGMENT

The Tamil Nadu State Transport Corporation has preferred this appeal against the order passed by the Motor Accident Claims Tribunal (Principal Sub-Court), Salem in M.C.O.P.No.589 of 1997, dated 10.11.2000.

2. The facts stated in the claim application are that on 07/06/1996 when the deceased Amudha along with her daughter were travelling from Chennai to Ayodhyapattinam in the bus bearing Registration Number TN 23 N 0654 and the said bus when nearing Chennai due to rash and negligent driving of the bus driver



dashed against a tree and further went to 30 feet away and again dashed a tamarind tree, due to which severe injuries caused to the passengers in the bus, resulting, many of the passengers died on the spot. The said Amudha and her daughter also died on the spot.

3. It is stated that the deceased Amudha was working as Assistant in the Office of the Director of Fire Services Department, Egmore, Chennai and at the time of the accident, she was aged about 40 years and drawing salary of Rs.3,857/- per month and she was also expecting her promotion at the time of the accident.

4. After assessing the facts raised in the counter statement and also considering the age of the deceased and the status of the deceased that she was working in the Fire Services Department, Egmore, Chennai and drawing handsome salary and she met with the accident and lost her life leaving the claimants as legal heirs, the Tribunal has taken into consideration the age of the deceased and the future prospects of the deceased and also the income of the deceased and considering the averments, awarded a sum of Rs.5,60,000/- as against the claim of Rs.10,00,000/- as compensation.

5. There is no representation for the respondents.

6. The learned counsel appearing for the appellant/Transport Corporation has argued that the sum awarded by the Tribunal is excessive and the quantum was arrived at by the Tribunal without following the guidelines. The Tribunal has also erroneously fixed the age of the deceased and the loss of income and the multiplier adopted was also improperly.

7. On a perusal of the claim application, it is seen that the claim was made for a sum of Rs.10,00,000/-. The Tribunal has considered the age of the deceased as '40' at the time of the accident and further the deceased was earning Rs.3,857/- as she was working as Assistant in the office of the Director of Fire Services, Egmore, Chennai.

8. From the said amount of Rs.3,857/- the Tribunal had deducted 1/3 of amount towards her personal expenses and final her income at Rs.2,572/- per month and applied the multiplier '18' and arrived the total compensation of Rs.5,55,552/- which was rendered by to Rs.5,60,000/- which is quite reasonable. But, on the other hand, the appellant's counsel argued that the Tribunal has awarded interest at the rate of 12% p.a., which is excessive.



9. However, considering the date of accident, the interest awarded by the tribunal need not be altered. Hence, in view of the discussion made above, the award passed by the Tribunal is quite reasonable and does not require any interference. Hence, this Civil Miscellaneous Appeal is dismissed, confirming the award passed by the Tribunal. The appellant-Transport Corporation is directed to deposit the entire award amount along with interest as awarded by the Tribunal within a period of six weeks from the date of receipt of a copy of this judgment and the 1st respondent is entitled to withdraw the same. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Sub Judge,
(Motor Accident Claims Tribunal),
Salem.

Copy to
The Section Officer,
VR Setion, High Court,
Chennai-104.

+lcc to Mr.S.V.Vasanthakumar, Advocate, S.R.No.66102

C.M.A.No.2845 of 2004
and C.M.P.No.16331 of 2004

PVS (CO)
GSP (13/02/2019)