



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2018

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A(MD).No.798 of 2016
and
CMP(MD) No.7695 of 2016

The Managing Director,
State Express Transport Corporation Limited,
Pallavan Salai,
Chennai.

... Appellant/1st Respondent

Vs.

1.J.Vijayalakshmi
2.N.Anandhan
3.National Insurance Company Limited,
Divisional Office,
Promenade Road, Cantonment,
Trichy.

... 1st Respondent/Petitioner

4.J.Rajagiri
2 to 4

... Respondents 2 to 4/ Respondents

PRAYER:- Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 28.08.2015, passed in M.C.O.P.No.1352 of 2013 on the file of the Motor Accidents Claims Tribunal, Special District Court, Tiruchirappalli.

For Appellant : Mr.P.Prabhakaran

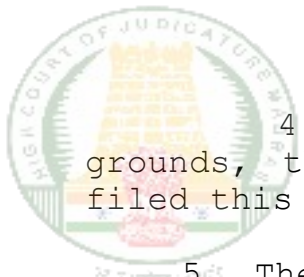
For Respondents : Mr.K.P.Narayanakumar - for R1
Mr.R.Ilayaraja - for R2
Mr.R.Rajamani - for R3

JUDGMENT

This civil miscellaneous appeal has been filed challenging the award passed by the learned Special District Court, Motor Accidents Claims Tribunal, Tiruchirappalli, in M.C.O.P.No.1352 of 2013, dated 28.08.2015.

2. Heard the learned Counsel appearing on either side and perused the records carefully.

3. It is a case of injury and the tribunal has awarded a sum of Rs.3,94,000/- as compensation, against which, the Appellant/Transport Corporation company is before this Court.



4. Though several grounds are raised in the memorandum of grounds, the main grounds on which the appellant Corporation has filed this appeal are on negligence and quantum.

5. The learned Counsel for the appellant submitted that the tribunal failed to fix entire negligence on the driver of the car bearing Registration No.TN 45 AK 0651 came from the opposite direction in a rash and negligent manner, which lost its control and dashed against appellant's bus and invited the accident and that the car driver was solely responsible for the accident and therefore, the appellant is not liable to pay compensation to the respondents.

6. On a perusal of the records, it is seen that the tribunal, at paragraph Nos.6 to 8 of the judgment, has elaborately discussed the ground of negligence and has categorically held that the driver of the appellant Corporation invited the accident and the same does not warrant any interference at the hands of this Court.

7. Insofar as the quantum is concerned, the learned Counsel for the appellant contended that the tribunal has erred in fixing the monthly income of the deceased as Rs.3,000/-. It is further contended that the compensation awarded towards loss of consortium, loss of love and affection and funeral expenses are high and therefore, the same deserves interference.

8. Perusal of records shows that the the tribunal had taken a sum of Rs.6,000/- as monthly income of the deceased and after deducting 50% of personal expenses. Since the age of the deceased was 59, the tribunal has rightly applied the multiplier as 9, which is very much reasonable. It is seen that no future prospectus has been awarded by the tribunal. Since this appeal is filed by the appellant/transport corporation and the claimant has not filed any appeal, this Court is not inclined to interfere with the award passed by the tribunal, which is very reasonable.

9. In the result, this Civil miscellaneous appeal is dismissed. The award passed by the tribunal in M.C.O.P.No.1352 of 2013 dated 28.08.2015, is hereby confirmed. No costs. Consequently, connected miscellaneous petition is closed.

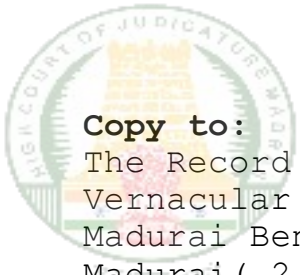
Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To
The Special District Judge,
Motor Accidents Claims Tribunal,
Tiruchirappalli,

**Copy to:**

The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai(2 Copies)

WEB COPY

+1CC to Mr.K.P.Narayana Kumar, Advocate, SR.No. 63230

+1CC to Mr.P.Prabhakaran, Advocate, SR.No. 63154

+1CC to Mr.R.Rajamani, Advocate, SR.No. 62963

C.M.A (MD) .No.798 of 2016
24.04.2018

rm

AM/JC/SAR 4/09.05.2018/3P/7C