

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 17.04.2018****CORAM****WEB COPY****THE HONOURABLE MRS.JUSTICE J.NISHA BANU****C.M.A (MD) Nos.1309 to 1311 of 2013****CMA (MD) No.1309 of 2013:-**

Tamil Nadu State Transport Corporation Ltd., Dindigul,
represented by its
Managing Director. ...1st Respondent / Appellant

Vs.

1.Paramasivan
2.Kandhaiah
3.Branch Manager,
United India Insurance Company Ltd.,
C.C.Complex, 924-Main Road,
Kovilpatti. ...2nd & 3rd Respondents / 2nd & 3rd Respondents

CMA (MD) No.1310 of 2013:-

Tamil Nadu State Transport Corporation Ltd., Dindigul,
represented by its
Managing Director. ... Appellant / 1st Respondent

Vs.

1.Balasaraswathi
2.Kandhaiah
3.Branch Manager,
United India Insurance Company Ltd.,
C.C.Complex, 924-Main Road,
Kovilpatti. ... 1st Respondent / Petitioner
... 2nd & 3rd Respondents / 2nd & 3rd Respondents

CMA (MD) No.1311 of 2013:-

Tamil Nadu State Transport Corporation Ltd., Dindigul,
represented by its Managing Director. ... Appellant / 1st Respondent

Vs.

1.Rajeshkannan ... 1st Respondent / Petitioner

2.Kandhaiah

<https://hcservices.ecourts.gov.in/hcservices/>

3.Branch Manager,

United India Insurance Company Ltd.,



C.C.Complex, 924-Main Road,
Kovilpatti.

... 2nd & 3rd Respondents/2nd & 3rd Respondents

COMMON PRAYER:- Appeals filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 11.05.2004, made in M.C.O.P.Nos.72, 73 and 74 of 2004 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Tirunelveli.

For Appellant : Mr.R.Arunmozhi
For R.3 : Mr.N.Sivakumar
(In all appeals)
R1 , R2 : No Appearance

COMMON JUDGMENT

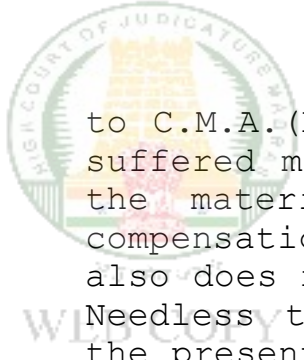
As the issue involved in all these appeals are one and the same, they are disposed of by way of this common judgment.

2. These civil miscellaneous appeals have been filed challenging the award passed by the learned Chief Judicial Magistrate, Motor Accidents Claims Tribunal, Tirunelveli, in M.C.O.P.Nos.72, 73 and 74 of 2004 dated 11.05.2004.

3. Heard the learned Counsel appearing for the respective parties and perused the records carefully.

4. It is a case of injury and aggrieved over the compensation of Rs.79,000/-, Rs.93,049/- & Rs.9,844/-, respectively, awarded by the tribunal, the transport Corporation is on appeal before this Court. Though several grounds are raised in the memorandum of grounds, the learned Counsel appearing for the appellant/Corporation would lay emphasize only on the ground of quantum.

5. The manner of accident as well as the liability are not disputed. Perusal of record shows that though the victims/claimants in C.M.A.(MD)Nos.1309 & 1310 of 2013, have claimed a sum of Rs.6,500/- and Rs.5,022/-, respectively, as their monthly income, the tribunal, after careful analysis of all the documentary evidences, has taken their monthly income as Rs.2,000/- and Rs.3,000/- respectively, which, in my considered opinion, is very reasonable. Going by the facts of the case and after perusing the entire records carefully, this Court is of the considered opinion that the award passed by the tribunal insofar as C.M.A.(MD)Nos.1309 & 1310 of 2013 is very reasonable and therefore, the same does not warrant any interference. With regard



to C.M.A.(MD)No.1311 of 2013, it is seen that the claimant/victim suffered minor injuries, for which, the tribunal, after analyzing the material documents, has awarded a sum of Rs.9,844/- as compensation, which is very reasonable and therefore, the same also does not warrant any interference at the hands of this Court. Needless to say that if the compensation is calculated based on the present guidelines, the quantum will be on the higher side and therefore, this Court is not inclined to interfere with the compensation awarded by the tribunal.

6. In view of the foregoing discussions, these appeals are liable to be dismissed and the same are accordingly dismissed. The award passed by the tribunal in M.C.O.P.Nos.72, 73 and 74 of 2010 dated 11.05.2004, stands confirmed. No costs.

Sd/-

Assistant Registrar(Writ)

/True Copy/

Sub Assistant Registrar

gk

To

The Chief Judicial Magistrate,
Motor Accident Claims Tribunal
Tirunelveli.

Copy To:- (2 Copies)

The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai

+1 CC TO Mr. N.Sivakumar , Advocate, Sr.No. 62094

JAM/05/06/2018/ CSL /SAR 2 / 3p-5c

C.M.A(MD)Nos.1309 to 1311 of 2013
17.04.2018