



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2018

CORAM

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A(MD) .No.1869 of 2013
and
M.P. (MD) No.3 of 2013

The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam Division II) Limited,
Periyamilaguparai,
Trichy - 1.

... Appellant/Respondent

Vs.

1.Saraswathi
2.Minor Lalitha
3.Minor Logeswaran
4.Sirumbayee
5.Pasupathilingam

... Respondents/Petitioners

[Minor respondents 2 & 3 are represented by
their mother/natural guardian, the first respondent]

PRAYER:- Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.90 of 2010 dated 06.01.2012 on the file of the Motor Accidents Claims Tribunal, Kulithalai.

For Appellant : Mr.D.Sivaraman
For Respondents : Mr.N.Sudhagar Nagaraj

JUDGMENT

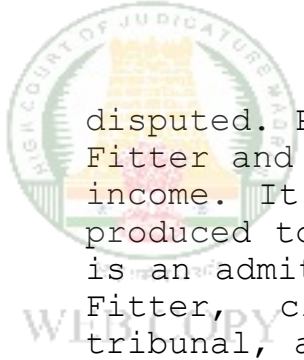
This civil miscellaneous appeal has been filed challenging the award passed by the learned Judge, Motor Accidents Claims Tribunal, Kulithalai, in M.C.O.P.No.90 of 2010 dated 06.01.2012.

2. Heard both sides and perused the records carefully.

3. It is a case of fatal and aggrieved over the compensation 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.

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

4. The mode of accident as well as the liability are not



disputed. Perusal of record shows that the deceased was working as a Fitter and the tribunal has taken a sum of Rs.5,000/- as his monthly income. It is the grievance of the appellant that no evidence was produced to prove the salary of the deceased. Be that as it may, it is an admitted fact that the deceased was qualified and employed as Fitter, claiming Rs.9,000/- as monthly income. However, the tribunal, after examining all the witnesses, has fixed his income at Rs.5,000/-, which, in my considered opinion, is very 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 is very reasonable and therefore, the same does not warrant any interference at the hands of this Court.

5. Since the sole ground, on which the appellant/Corporation has preferred this appeal, lack merits, the appeal is liable to be dismissed and the same is accordingly dismissed. The award passed by the tribunal in M.C.O.P.No.90 of 2010 dated 06.01.2012, is hereby confirmed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

The Judge, Motor Accidents Claims Tribunal,
Kulithalai.

Copy To:-

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 60996
+ 1 CC TO Mr.N.SUDHAGAR NAGARAJ, ADVOCATE IN SR No. 61109

GK

TE/KKR/SAR-4 : 24/05/2018 : 2P/6C

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