

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2019

CORAM

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

C.M.A.NO.2726 OF 2007

and

M.P. NO. 1 of 2007

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Bharathipuram, Dharmapuri ...Appellant / Respondent

Vs.

1. Arumugam
2. Perumal
3. P. Panchali ...Respondents/Petitioners

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act 1988, against the award and decree passed on 23.11.2005 in M.C.O.P. No.401/2003 on the file of the Motor Accident Tribunal (Additional District Court, Dharmapuri).

For Appellant : Mr.P. Jagadeeswaran
For Respondents : R1 & R3 - No appearance
R2 - No such address.

JUDGMENT

The Managing Director, Tamil Nadu State Transport Corporation Ltd., Dharmapuri, has filed this present appeal questioning the quantum of compensation awarded by the Additional District Judge, Motor Accident Claims Tribunal, Dharmapuri. The respondents 1 to 3 / claimants filed claim petition under Section 166 of Motor Vehicles Act, in M.C.O.P. No.401 of 2003 before the Additional District Judge, Motor Accident Claims Tribunal, Dharmapuri seeking compensation of Rs.10,00,000/- for the death of one Sathyavathi, aged 21 years, wife of the first claimant and daughter of the claimants 2 and 3.

2. According to the claimants, the deceased Sathyavathi was travelling as a pillion rider in a two wheeler TVS 50 bearing registration No. TN 29 C 1553 and when the two wheeler was nearing thippapatti, a speeding bus bearing registration No.TN29 N 1210 hit the two wheeler, as a result of which, Sathyavathi fell down from the two wheeler and died on spot. According to

the claimants, the rash and negligent driving of the driver of the bus belonging to the present appellant was the cause of the accident and therefore, they are liable to pay compensation of Rs.10,00,000/-.

3. When the matter is taken up for hearing, the learned counsel appearing for the appellant would contend that though the deceased was aged 21 years, the tribunal has awarded an exorbitant amount of Rs.3,25,000/- to the claimants.

4. A perusal of the award passed by the tribunal shows that the tribunal has fixed the annual income of the deceased as Rs.15,000/-. By no stretch of imagination, the award passed by the tribunal can be said to be on the higher side and therefore, the appeal is dismissed.

5. Accordingly, the Civil Miscellaneous Appeal is dismissed. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

bga

To

- 1) The Additional District Judge,
Motor Accident Tribunal, Dharmapuri

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and
M.P. NO. 1 of 2007

RSI (CO)
SSM(25/03/2019).

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