

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 25.06.2019
CORAM:
THE HON'BLE Mr. JUSTICE R.MAHADEVAN
Civil Miscellaneous Appeal No.185 of 2008
and
M.P.No.1 of 2008

Tamil Nadu State Transport Corporation Ltd
(Kumbakonam Division -II)
Rep by its Managing Director
Periyamilaguparai
Trichy

Appellant / Respondent

Vs

1. Akilandam
2. Bharathambal
3. Pachaiyammal
4. Muthulaxmi

Respondents / Claimants

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award and decree, dated 15.09.2005 passed in M.C.O.P.No.869 of 2000 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Perambalur

For Appellant : Mr.M.Krishnamoorthy

For Respondents: No appearance for R-2

J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the Tamil Nadu State Transport Corporation Limited, challenging the quantum of compensation awarded by the Claims Tribunal.

2. The legal representatives of the deceased Pachamuthu, wife and three daughters, have filed a Claim Petition, claiming a compensation of Rs.1,50,000/-.

3. The brief facts of the case are that the accident had taken place at about 12.45pm on 03.08.1997, due to the rash and negligent driving of the driver of the Tamil Nadu Transport Corporation, (Kumbakonam) bus bearing Reg.No. TN 45 N 0253, at old Bus stand, Perambalur. The above said bus has started to proceed to Padalur and while it was on move, the deceased and one Rajendran attempted to watch, whether their route Bus has

come or not and at that time, the bus, on a sudden provocation, hit the deceased Pachamuthu. Due to the said accident, the deceased Pachamuthu sustained severe external injuries on his shoulder, chest, arm and knee. The companion Rajendran has taken him to the Hospital, wherein, the Doctor declared dead on his arrival. Claiming that the said accident had happened only due to the rash and negligent driving of the driver of the Transport Corporation bus, the legal representatives of the deceased filed the Claim Petition before the Tribunal.

4. The Tribunal, while awarding compensation, has framed the issue, viz., whether the accident had happened only due to the rash and negligent driving on the part of the driver of the Transport Corporation Bus and if it is so, to what extent ?

5. Heard both sides.

6. The learned counsel for the appellant submitted that the Tribunal erred in awarding a sum of Rs.1,50,000/- as compensation for the death of a man aged about 60 and multiplier of 8 adopted by the Tribunal is on the higher side.

7. A perusal of the award passed by the Tribunal discloses that it has taken into consideration Ex.P.1 First Information Report to establish the fact that the driver drove the bus in a rash and negligent manner and the burden of proof has not been discharged by the appellant in the manner known to law. Further, the Tribunal has also taken into consideration Exs.P.2 and P.3 to establish the age and impact of the accident on the deceased. Since the Tribunal has rendered findings based on the evidence, this Court sitting in the Appeal, cannot ignore such materials easily.

8. Further, the Tribunal has awarded a sum of Rs.1,50,000/- as compensation without any break up details. If the Tribunal has awarded the compensation with some break up details, it would have been helpful to this Court to find out the justifiability of award. However, the fact remains that the accident had taken place in the year 1997. After a period of two decades and more, it may not be proper for this Court to interfere with the quantum of compensation awarded by the Tribunal, especially for the reason that when the prices are escalated manifold and there is a reduction in the value of money. Having regard to the lapse of time and the dependents being four in number, the award of compensation quantified by the Tribunal is confirmed as such.

9. In the result, this Civil Miscellaneous Appeal is dismissed. No costs. The appellant / Transport Corporation shall deposit the entire compensation amount, along with

interests and costs, as awarded by the Claims Tribunal, less the amount already deposited, if any, within a period of four weeks, from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to transfer the deposited amount to the Savings Bank Account of the claimants proportionately forthwith, through RTGS. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

srk / vrn

To

1. The Motor Accident Claims Tribunal/Chief Judicial Magistrate,
Perambalur
2. The Section Officer
V.R.Section
Madras High Court
Chennai 104

+lcc to Mr.M.Krishnamoorthy, Advocate sr.53253

C.M.A.No.185 of 2008 &
M.P.No.1 of 2008

kj(co)
nr 04/02/2020