

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2019

CORAM:

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

C.M.A.No.3152 of 2005

Metropolitan Transport Corp. Ltd.,
rep. by its Managing Director,
Chennai.

Formerly known as Pallavan
Transport Corporation Ltd.

...Appellant/Respondent

(Cause title accepted vide order of court,
dated 07.07.2005, and made in
C.M.P.No.10288 of 2005)

..Vs..

1.P.Malliga
2.P.Lakshminathan
3.P.Sudhakar
4.P.Rajesh

...Respondents/Petitioners

(4th respondent declared as major and the
1st respondent discharged from the guardianship
of the 4th respondent vide order of court dated
20.10.2008 made in C.M.P.No.1600 of 2008)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of
the Motor Vehicles Act, 1988 against the award and decretal
order passed by the Motor Accidents Claims Tribunal (Additional
District Judge, Fast Track Court No.III, Poonamallee) in
MCOP.No.154 of 1992. dated 29.03.2004.

For Appellant : Mr.V.Vasanth Kumar

For Respondents : No appearance
R1 & R4

JUDGMENT

The Managing Director, Metropolitan Transport Corporation
Limited (formerly known as Pallavan Transport Corporation
Limited) is the respondent in M.C.O.P.No. 154 of 1992 on th file
of the Motor Accidents Claims Tribunal, Additional District

Judge, Fast Track Court No.III, Poonamallee. They have filed the present appeal questioning the quantum of compensation awarded by the tribunal.

2. The respondents herein filed the above said claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation of Rs.4,00,000/- for the death of one Palani, husband of claimant 1 and father of claimants 2, 3 and 4 and son of claimants 5 and 6 in a road accident that took place on 21.03.1992, at about, 05.10 pm, when the deceased Palani was riding his bicycle on Sengunram - Ambathur road. According to them, a speeding bus bearing Registration No. NT CB 4666 (route no. 62 A) belonging to the present appellant, hit the deceased Palani, as a result of which, he fell down and died on the spot. Their further contention is that the rash and negligent driving of the driver of the appellant was the cause of the accident and that they are liable to pay compensation to them.

3.The appellant contested the claim petition and the learned Additional District Judge, Fast Track Court No. III, Poonamallee after analysing the evidence on record, awarded a compensation of Rs.3,28,200/- together with interest at the rate 9% to the claimants 1 to 4.

4.Aggrrieved over the quantum of compensation awarded by the tribunal, the appellant has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. Mr.V.Vasantha Kumar, learned counsel appearing for the appellant would contend that a huge amount of Rs.3,28,200/- was awarded to the claimants 1 to 4 and that the same has got to be scaled down. In the instant case, the deceased was aged 37 years on the date of the accident and his monthly income was fixed at Rs.1,702/-. The tribunal has further adopted multiplier of 12, though, the deceased was aged only 37 years on the date of the accident.

6. It is pertinent to point out that the respondents/claimants 1 to 4 did not file any appeal or cross objections against the award passed by the tribunal. Infact, there is no appearance on behalf of the respondents/claimants 1 to 4. By no stretch of imagination, the compensation of Rs.3,28,200/- awarded by the tribunal can be said to be on the higher side. In the facts and circumstances, I do not see any reason to interfere with the findings recorded by the tribunal and therefore, the appeal is liable to be dismissed.

7. In the result,

(i) The Civil Miscellaneous Appeal is dismissed. No costs.

(ii) The quantum of compensation awarded by the tribunal is upheld.

(iii) The appellant, Metropolitan Transport Corporation Limited is directed to deposit the entire compensation awarded by the tribunal to the credit of MCOP.No.154 of 1992, dated 29.03.2004, on the file of the Motor Accidents Claims Tribunal, Additional District Judge, Fast Track Court No.III, Poonamallee within four weeks from the date of receipt of a copy of this order.

(iv) The respondents/claimants 1 to 4 are entitled to withdraw the same immediately, as apportioned by the tribunal, after following due process of law.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Additional District Judge,
The Motor Accident Tribunal,
Fast Track Court No.III,
Poonamallee.

Copy To

The Section Officer,
VR Section, High Court,
Madras-104

+1cc to Mr.V.Vasantha Kumar, Advocate, S.R.No.7061

C.M.A.No.3152 of 2005

RSV(CO)
CS/12/04/2019