

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2019

CORAM:

THE HON'BLE MR.JUSTICE R.MAHADEVAN

CIVIL MISCELLANEOUS APPEAL NO.1854 OF 2009

&

M.P.NO.1 OF 2009

Tamilnadu State Transport Corporation Ltd.,
Kancheepuram,
Rep., by its Managing Director

... Appellant/Respondent

..vs..

1.Sumathi
2.Minor Shanmuga Priya
3.Minor Vidya
4.Lakshmi

(R2 & R3 are rep. by their mother
and guardian R1 Sumathi)

... Respondents 1 to 4/
Petitioners 1 to 4

Prayer:

Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award and decree passed on 09.12.2005 in M.C.O.P.No.2892 of 2000 on the file of the Motor Accident Tribunal, IIIrd Judge Small Causes Court, Chennai.

For Appellant : Mr.P.Jagadeeswaran

सत्यमेव जयते
J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the appellant/Transport Corporation challenging the quantum of compensation awarded by the Claims Tribunal.

2.According to the respondents/claimants, on 17.05.1999 at about 9.00 a.m., one Srinivasan (deceased) was travelling from Meenjur to Chennai through Ponneri bye pass road in his motorbike bearing Reg.No.T.N.-04-HS-0779, and at that time, the driver of the appellant Transport Corporation Bus bearing Registration No.T.N.21-N-0098 came in a rash and negligent manner and dashed against the deceased's motorbike, which

resulted in the death the deceased. Claiming that the Transport Corporation is liable to pay the compensation, the Legal Representatives of the deceased have filed a claim petition claiming a sum of Rs.6,00,000/- as compensation.

3. The Tribunal, based upon the facts, materials, evidence and also the dictum laid down in the decisions of the Apex Court, has calculated the loss of income at Rs.4,32,000/-, by taking into account the annual loss of income at Rs.24,000/- and applying the multiplier of '18'. Further, the Tribunal has awarded a sum of Rs.5,000/- towards funeral expenses and Rs.10,000/- towards loss of love and affection, thereby awarding a total compensation of Rs.4,47,000/- with interest at the rate of 7.5% per annum from the date of petition, against which, the Transport Corporation has filed the present Appeal.

4. The learned counsel for the appellant Transport Corporation has submitted that the Tribunal has erred in holding that the accident had occurred only due to the rash and negligent driving of the driver of the bus belonging to the appellant Transport Corporation. He also submitted that the compensation awarded by the Tribunal is excessive and exorbitant.

5. Heard the learned counsel for the appellant/Transport Corporation. Despite ordering notice for couple of occasions, the respondents are not served. However, the Appeal itself is taken up for final disposal, in the absence of the respondents, since the disposal of this appeal will not in any way affect the rights of the respondents.

6. This Court is of the opinion that the compensation awarded by the Tribunal is reasonable, weight of evidence and based on settled principles and therefore, there is no ground to interfere with the judgment passed by the Tribunal below. Further, the grounds taken by the Transport Corporation, on the point of liability cannot be raised at this stage and therefore, the same are not accepted at this distant point of time. That apart, the Tribunal has not awarded any sum towards loss of expectation of life and other non-pecuniary damages. Therefore, the grounds raised by the Transport Corporation are liable to be rejected and they are rejected accordingly. Hence, the compensation awarded by the Tribunal does not require any interference in the hands of this Court.

7. In the result, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed. The appellant/Transport Corporation shall deposit the entire compensation amount, along with interest 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.

8.At this juncture, the learned counsel for the appellant submitted that the minor claimants have attained majority by now.

9.In view of the said submission, it is hereby ordered that on such deposit being made and on an application being taken out before the Tribunal for majority by the minor claimants, the Tribunal is directed to transfer the deposited amount to the respective Savings Bank Accounts of the claimants/respondents 1 to 4, through RTGS, one week thereafter, as per the ratio of apportionment fixed by the Claims Tribunal.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rri/srk

To

1. The Motor Accident Claims Tribunal,
III Judge, Small Causes Court,
Chennai.
2. The Section Officer,V .R.Section,
Madras High Court,
Chennai 104.

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M.P.NO.1 OF 2009

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