

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2019

CORAM

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

C.M.A.NO.3789 OF 2012

and

M.P.No.1 of 2012

The Managing Director

Tamilnadu State transport Corporation

Salem Division-I

12, Ramakrishna Road

Salem

...Appellant / Respondent

Vs.

1. Poongodi

2. Minor Raghupathi

3. Minor Ramki

4. Chellammal

...Respondents/Petitioners

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act 1988, against the Judgment and decree dated 30.08.2010 made in M.C.O.P.No.118 of 2007 on the file of the Sub Judge, Motor Accidents Claims Tribunal, Sankagiri.

For Appellant : Mr.S.V.Vasanth Kumar

For Respondents : Mr.C.Kulanthaivel

JUDGMENT

The appellant Tamilnadu State Transport Corporation, Salem, is the respondent in M.C.O.P.No.118 of 2007 on the file of the Subordinate Judge, Motor Accidents Claims Tribunal, Sankagiri.

2. The respondents 1 to 4/claimants filed the above claim petition under Section 166 of Motor Vehicles Act, seeking compensation of Rs.20,00,000/- for the death of one Govindaraj in a road accident that took place on 09.07.2006. According to the claimants, when the deceased Govindaraj was taking his two wheeler TVS 50 that was parked in the bazaar, a speeding bus bearing registration No.TN 27 N 1693 belonging to the respondent

hit the deceased, as a result of which, he sustained grievous injuries and died on spot. The further contention of the claimants is that the rash and negligent driving of the driver of the bus bearing registration No.TN 27 N 1693 was the cause of the accident and therefore, the Tamilnadu Transport Corporation is liable to pay compensation of Rs.20,00,000/- to them.

3. The appellant/ respondent contested the claim petition before the tribunal. The learned Subordinate Judge, Sankagiri, after analysing the records, awarded a compensation of Rs.10,01,000/- to the claimants, together with interest at the rate of 7.5% per annum from the date of the claim petition.

4. Aggrieved over the orders passed by the tribunal, Tamilnadu State Transport Corporation, Salem has filed the present appeal under Section 173 of the Motor Vehicles Act 1988.

5. Mr. S.V. Vasantha Kumar, learned counsel appearing for the appellant would contend that the tribunal, without considering the evidence on record, has fixed the monthly income of the deceased as Rs.8,000/- and awarded a huge compensation of Rs.10,01,000/- to the claimants.

6. Per contra, learned counsel appearing for the claimants would contend that the tribunal has considered various aspects before awarding a compensation of Rs.10,01,000/- and the same need not be disturbed at this juncture.

7. A perusal of the record shows that the deceased was working as a Roaster Operator in Asian Dhall Industries Limited earning a sum of Rs.12,000/- per month. The claimants had in fact, filed the salary certificate (Ex.P7). The tribunal after analysing the oral and documentary evidence, fixed the monthly income as Rs.8,000/, which cannot be found fault with by this Court. The award passed by the Tribunal under various heads is extracted hereunder.

Sl.No.	Head	Amount (Rs.)
1.	Loss of income (Rs.72,000/- X 13)	9,36,000/-
2.	Loss of love and affection and loss of consortium to the first claimant	25,000/-
3.	Loss of love and affection to the claimants 2 to 4 each Rs.10,000/-	30,000/-
4.	Funeral expenses	5,000/-
5.	Transportation	5,000/-
	Total	10,01,000/-

8. It is relevant to point out here that the respondents/claimants did not file any appeal / cross objections against the quantum of compensation awarded by the tribunal and by no stretch of imagination, the quantum of compensation awarded by the tribunal can said to be on the higher side and therefore, the appeal is liable to be dismissed.

9. In the result,

(i) The appeal filed by the Tamilnadu Transport Corporation Ltd., Salem, is dismissed. No costs. Connected miscellaneous petition is also dismissed.

(ii) The award passed by the tribunal is upheld.

(iii) The appellant / Tamilnadu State Transport Corporation is directed to pay compensation amount of Rs.10,01,000/- to the claimants together with interest at the rate of 7.5% per annum from the date of claim petition, within a period of four weeks from the date of receipt of a copy of this order.

(iv) On such deposit being made by the appellant, the claimant is entitled to withdraw the same, as per the apportionment made by the tribunal and after following due process of law.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

bga

Sub Assistant Registrar

To

The Subordinate Judge,
Motor Accidents Claims Tribunal, Sankagiri.

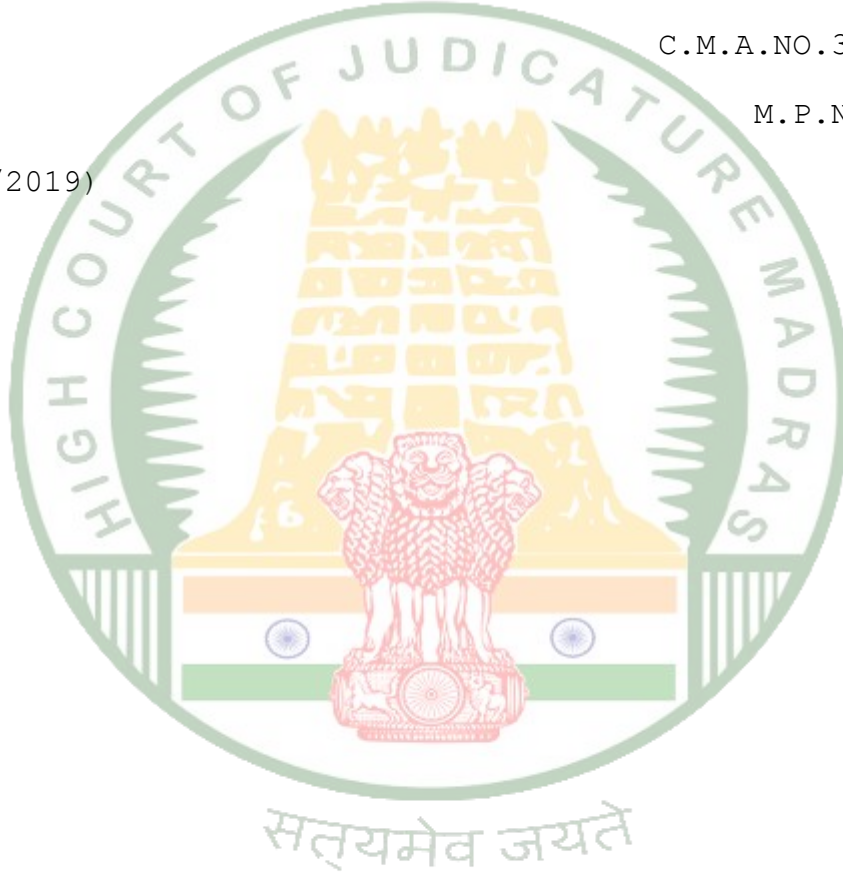
copy to: The Section Officer,
VR Section, High Court, Madras.

+1 cc to Mr.S.V.Vasantha Kumar, Advocate, S.R.No.7635

+1 cc to Mr.C.Kulanthaivel, Advocate, S.R.No.7796

C.M.A.NO.3789 OF 2012
and
M.P.No.1 of 2012

RJI (CO)
SSM(09/05/2019)



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