

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2019

CORAM:

THE HON'BLE Mr. JUSTICE R.MAHADEVAN

Civil Miscellaneous Appeal No.3376 of 2013
and
M.P.No.1 of 2013

The Managing Director,
Tamil Nadu State Express Transport
Corporation,
(Villupuram Division-II) Ltd, Rangapuram
Vellore -9. ... Appellant/Respondent

...vs...

1. Kavitha
2. Minor Tamil Selvan
3. Minor Lokesh
4. Minor Karthikeyan
5. DhanaLakshmi
6. Lakshmanan ... Respondents/Claimants

Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Judgment and Decree dated 19.03.2013 made in M.C.O.P.No.816 of 2011, on the file of the Motor Accidents Claims Tribunal, Principal District Judge at Vellore.

For Appellant : Mr. S.Sai Raman
For Respondents : Mr.C. Prabhakaran

सत्यमेव जयते

J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the Transport Corporation against the Judgment and Decree dated 19.03.2013 made in M.C.O.P.No.816 of 2011, on the file of the Motor Accidents Claims Tribunal, Principal District Judge, Vellore.

2. According to the claimants/respondents, on 16.10.2011 at about 8.30 p.m, while the deceased Palani was standing for crossing the road from north to South direction on the Chennai to Bangalore road, near Alamelumangapuram, the appellant's bus bearing Registration No.TN-23-N-1557 came in a rash and negligent manner and dashed against the deceased and thereby, caused the accident. As a result of the same, the deceased sustained fatal injuries and died on the spot. Claiming that

the accident had happened only due to the rash driving of the driver of the Transport Corporation bus, the legal Representatives of the deceased filed a claim petition before the Tribunal claiming a sum of Rs.25,00,000/- as compensation.

3. The Tribunal, based upon the facts, materials, evidence and also the dictum laid down in the decision of the Apex Court in Sarla Verma case reported in 2009 ACJ 1298, has calculated the loss of income at Rs.5,76,000/-, taking into account the annual loss of income at Rs.36,000/- by fixing the monthly income at Rs.3,000/- as a mason and by adopting the multiplier of '16'. Further the Tribunal has awarded Rs.10,000/- towards loss of consortium, Rs.30,000/- towards loss of love and affection, Rs.3,000/- towards Transportation Expenses and Rs.5,000/- towards funeral expenses, thus awarding a total compensation of Rs.6,24,000/- with interest at the rate of 7.5% per annum from the date of petition, against which, the Transport Corporation has filed the Appeal.

4. Heard both sides and perused the records.

5. This Court is of the opinion that the compensation awarded by the Tribunal is just and reasonable as the same is based on weight of evidence and settled principles of law and therefore, there is no ground to interfere with the judgment passed by the Tribunal below and the same is hereby confirmed.

6. In such view of the matter, the Civil Miscellaneous Appeal is dismissed. No costs. The appellant / Transport Corporation is directed to deposit the compensation amount along with interest and costs, as awarded by the Claims Tribunal, less the amount already deposited, if any, within a period of six weeks, from the date of receipt of a copy of this judgment. On such deposit being made, the major claimants are permitted to withdraw their respective shares. With regard to the shares of the respondents 2 to 4 / minors, the same shall be deposited in a fixed deposit in a Nationalised Bank, till they attain majority. The interest accrued in respect of the minors, shall be withdrawn by the first respondent-mother once in six months directly from the bank, on due intimation to the Tribunal. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

srk/smn

To

1. The Motor Accident Claims Tribunal,
Principal District Judge,
Vellore

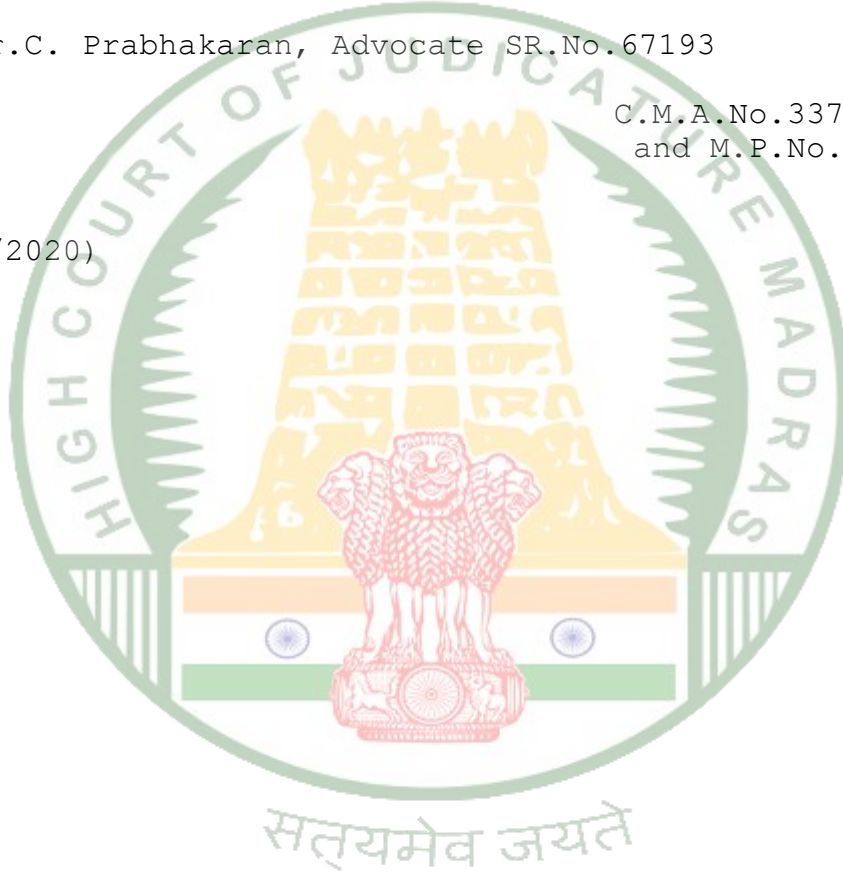
2. The Section Officer, V.R.Section,
Madras High Court, Chennai 104

+1cc to Mr.S.Sai Raman, Advocate SR.No.66887

+1cc to Mr.C. Prabhakaran, Advocate SR.No.67193

C.M.A.No.3376 of 2013
and M.P.No.1 of 2013

CP (CO)
GMY (15/06/2020)



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