

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2019

CORAM:

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

CMA.No.314 of 2014 and
M.P.No.1 of 2014

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Villupuram. Appellant/Respondent

Vs.

1. Renuka
2. Minor Manikandan
3. Minor Mahalakshmi

Petitioners 2 and 3 are minors rep. by their
mother Renuka. Respondents/Petitioners

Prayer This Civil Miscellaneous Appeal has been filed
under Section 173 of the Motor Vehicles Act, 1988, against the
order dated 14.03.2013 passed in M.C.O.P.No.337 of 2012 by
the Additional District Judge/ Motor Accident Claims
Tribunal, Ariyalur.

For Appellant : Mr.S.Sairaman

For Respondents : No appearance

सत्यमेव जयते
J U D G M E N T

The Tamil Nadu State Transport Corporation, the
respondent in MCOP No.337 of 2012 on the file of the
Additional District Judge/ Motor Accident Claims Tribunal,
Ariyalur has filed the present appeal.

2. The respondents/claimants filed the above said
claim petition under Section 166 of the Motor Vehicles Act,
seeking compensation of Rs.10,00,000/- for the death of one
Senthilvel, husband of the first claimant and father of the
2nd and 3rd claimants in a road accident that took place on
16.09.2010. The case of the claimants is that when the
deceased Senthilvel was riding his two wheeler bearing
registration No.TN-61-2362 on Trichy-Chidambaram
Main Road, a speeding bus bearing registration No.TN-32-N-

2799, belonging to the appellant, hit the two wheeler, as a result of which he was thrown out of his vehicle and sustained injuries all over his body and died on the spot. According to the claimants the rash and negligent driving of the driver of the bus belonging to the appellant was the cause of accident and therefore, the appellant is liable to pay compensation to them.

3. The Additional District Judge/ Motor Accident Claims Tribunal, Ariyalur, after analysing the evidence on record, awarded a compensation of Rs.6,61,400/- together with interest at the rate of 7.5% p.a. to the claimants. Aggrieved over the orders passed by the Tribunal, the Tamil Nadu State Transport Corporation has filed the present appeal.

4. Mr.S.Sairaman, learned counsel appearing for the appellant contended that the Tribunal while calculating loss of dependency, instead of adopting multiplier '14 ' , had applied multiplier ' 15'. He further contended that the compensation awarded by the Tribunal got to be scaled down.

5. No appearance on behalf of the respondents/claimants.

6. A perusal of the orders passed by the Tribunal shows that though the Tribunal adopted multiplier '15' instead of '14', while calculating loss of dependency, no amount was awarded towards " Future Prospects" . Further more, the accident took place in the year 2010 and the Tribunal after taking into account the legal principles of law, which were in vogue at the time of passing of orders had awarded a sum of Rs.6,61,400/-. It is pertinent to point out that the claimants have not filed any cross objection or appeal against the compensation awarded by the Tribunal. Even in this appeal, they did not enter appearance. Therefore, I do not see any reason to interfere with the findings recorded by the Tribunal at this stage.

7. In the result, the civil miscellaneous appeal is dismissed. No costs. The connected miscellaneous petition is closed. The orders dated 14.03.2013 passed in MCOP No.337/2012 by the Additional District Judge/Motor Accident Claims Tribunal, Ariyalur is upheld. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar

To

1. The Additional District Judge,
Motor Accident Claims Tribunal, Ariyalur.

+1cc to Mr.S.Sairaman, Advocate SR.No.80627

CMA.No.314 of 2014

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



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