

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 03.10.2019  
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.3157 of 2017  
and C.M.P.No.19470 of 2017

VC and MD

Andhra Pradesh State Road Transport Corporation  
Bus Bhavan, Musheerabad  
Hyderabad, Medchal  
Andhra Pradesh.

Appellant/Respondent

Vs

1.Menaga  
2.Minor Sabdev  
3.Minor Santhosh Kumar  
(Minor respondents 2 and 3 represented  
by their mother Menaga, the first respondent  
herein).

4.Valli

Respondents/Respondents

Appeal filed under Section 173 of the Motor Vehicles Act  
against the judgment and decree dated 11.04.2016 made in MCOP  
No.310 of 2012 on the file of the Subordinate Judge, Motor  
Accidents Claims Tribunal at Ranipet, Vellore District.

For Appellant : Ms.G.V.Shoba  
For Respondents : Mr.C.Prabakaran

JUDGMENT

The case in brief, is as follows:

On 03.08.2012, at about 04.30 hours, the deceased Natarajan was riding the Hero Honda Splendor motorcycle bearing Reg.No.TN-73-A-4656 on the Chittoor - Kadapa NH-40 Road at M.Bandapalli Village, Puthalapattu Mandal. At that time, the bus bearing Reg.No.AP-29-Z-2387 belonging to the appellant Transport Corporation, came from the opposite direction in a rash and negligent manner and hit the motorcycle which the deceased was riding. Due to the said impact, the deceased sustained fatal injuries and died on the way to the hospital. The legal heirs of the deceased filed a claim petition before the Tribunal, claiming a sum of Rs.15,00,000/- as compensation. On

consideration of the materials and evidence available on record, the Tribunal awarded a total compensation of Rs.7,30,000/- with interest at the rate of 7.5% per annum from the date of petition.

2.Challenging the same, the appellant Transport Corporation has filed the present appeal.

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

4.The learned counsel for the respondents / claimants has submitted that the Tribunal has correctly considered the materials and evidence on record and has awarded the just, fair and reasonable compensation and hence the same does not require any interference in the hands of this Court.

5.Heard the learned counsel on either side and perused the materials and evidence available on record carefully and meticulously.

6.The driver of the bus was examined as R.W.1 before the Tribunal. He deposed before the Tribunal that the two-wheeler ridden by the deceased was hit by a lorry and in turn he lost his control over the vehicle and thereafter the two-wheeler hit the bus. To substantiate the said contention, the medical report along with the intimation letter sent by the Chief Medical Officer, Chittoor to the Sub-Inspector of Police, II Town Police Station, Chittoor has been marked as Ex.R1, but the alleged Medical Officer has not been examined. Further, R.W.1 has admitted in the cross examination that a criminal case was registered against him and departmental enquiry was also initiated against him by the Transport Corporation and he rejoined duty after the enquiry. Considering the materials and evidence, the Tribunal came to the conclusion 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. This Court is not inclined to interfere with the said factual finding rendered by the Tribunal.

7.With regard to the quantum of compensation awarded by the Tribunal, the Tribunal has awarded a sum of Rs.5,67,000/- towards loss of dependency. The said sum has been arrived at by fixing the monthly income of the deceased at Rs.4,500/- as agriculturist since there was no proof to show that he was earning Rs.20,000/- per month as claimed by the claimants, deducting 1/3<sup>rd</sup> of the amount towards personal expenses of the

deceased and adopting the multiplier of 14. The Tribunal has also awarded a sum of Rs.25,000/- towards loss of consortium, Rs.1,00,000/- towards loss of love and affection, Rs.3,000/- towards transport expenses, Rs.25,000/- towards mental agony and Rs.10,000/- towards funeral expenses. The Tribunal has rightly considered the materials and evidence, correctly fixed the income of the deceased, adopted the correct multiplier and arrived at Rs.5,67,000/- towards loss of dependency. The amounts awarded by the Tribunal towards other heads are also very reasonable and hence the same are confirmed.

8.In the result, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed. The appellant Transport Corporation is directed to deposit the award amount as ordered by the Tribunal with interest, after deducting the amount if any already deposited, 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, on making proper application before the Tribunal. The shares of the minor respondents 2 and 3 shall continue to be in the bank deposit as ordered by the Tribunal, till they attain majority. The interest accrued in the bank deposit shall be withdrawn by the first respondent / mother of the minors, once in six months directly from the bank, which shall be utilised for the benefit and welfare of the minors.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

KM

To

- 1.The Subordinate Judge,  
Motor Accidents Claims Tribunal at Ranipet,  
Vellore District.
- 2.The Section Officer,  
VR Section, Madras High Court.

+1cc to Mr.G.V.Shoba, Advocate, S.R.No. 85028

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BS (CO)  
GN(21/10/2020)