

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2020

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

C.M.A.No.2283 of 2015

and

M.P.No.1 of 2015

The Managing Director,
Tamilnadu State Transport Corporation Coimbatore Limited,
37, Mettupalayam Main Road,
Coimbatore.Appellant/2nd Respondent

Vs

1.A.Ayisha
2.Minor S.Mohammed Thabish Nadheem
3.Minor S.Hina Kowsar
Minors 2 and 3 rep. by their mother and guardian
A.Ayisha
4.S.Abdul Kadar
5.Piyari John1to5 Respondents/Claimants
6.Sakthivel

(R6 non necessary party in this proceedings.
Hence given up)6th Respondents/
1st Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 23.04.2015 made in M.C.O.P.No.2575 of 2012 on the file of the Motor Accidents Claims Tribunal, Special Subordinate Judge, Coimbatore.

For Appellant : Mr.Arun
for Mr.Sundaravadhanam

For Respondents : No Appearance for R1 to R3, R4, R5
R6 given up.

J U D G M E N T

(This case has been heard through Video Conferencing)

Heard the learned counsel for the appellant. There is no representation for the respondents, though notice was served on them.

2.This appeal is filed by the Transport Corporation challenging the award passed by the Tribunal in M.C.O.P No.2575 of 2012.

3. The respondents/claimants are the dependents of the deceased A.Shafi Ahammed, who met with fatal accident, while riding his motor cycle bearing Registration No.TN42 X 5101 from east to west on Udumalai to Pollachi main road, the passenger bus TNSTC bearing Registration No.TN 38 N 2426 from the opposite direction rash and negligently hit the two wheeler while trying to overtake Milk Van. In the said accident, the deceased died on the spot. Assessing the loss of Rs.25,32,500/- restricted the claim for Rs.20,00,000/-, petition was filed by his wife and two minor children.

4. In the claim petition, it has been stated that the deceased was earning a sum of Rs.10,000/- per month as Executive in Krishna Autos Dealer. Due to his sudden demise, the claimants have put to severe hardship and loss of dependency.

5. The Transport Corporation resisted the claim petition alleging negligence on the part of the deceased and also the claim of Rs.20,00,000/- as compensation was termed as making fortunate and unfortunate incident.

6. The Tribunal on considering the pleadings as well as evidence let in by the claimants has awarded sum of Rs.10,40,000/-. While arriving at the said compensation, the notional income of the deceased was fixed at Rs.6000/- and 1/4th deducted for his personal expenditure, applying multiplier 15, a sum of Rs.8,10,000/- towards loss of income and Rs.1,00,000/- for loss of consortium, Rs.25,000/- for loss of love and affection and Rs.5,000/- for funeral expenses was awarded.

7.The appeal has been filed by the Transport Corporation alleging that the said award is excessive. This Court finds no merit in the appeal considering the age of the deceased and the compensation fixed, though there is no evidence regarding consolidated notional income of Rs.6,000, award of Rs.5,000/- for funeral expenses and Rs.1,25,000/- for loss of consortium and loss of love and affection for five claimants is reasonable and fair.

8. Therefore, the Civil Miscellaneous Appeal is dismissed as devoid of merits. No order as to costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vri

To
Motor Accidents Claims Tribunal,
Special Subordinate Judge, Coimbatore.

+1 cc to M/s.A.Sundaravadhanam, Advocate Sr.No. 39106

CMA No.2283 of 2015

CP(CO)
RMP(11/05/2021)



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