

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.M.A.No.3255 of 2012

1. Mangalakshmi
2. Savithiri .. Appellants/Petitioners

Vs.

The Managing Director
Tamilnadu State Transport
Corporation (Salem Division-II)
Bharathi Nagar, Dharmapuri.
.. Respondent/Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the Decree and Judgment dated 12.07.2012 made in M.C.O.P.No.92 of 2007 passed by the Motor Accident Claims Tribunal, (Principal District Judge's Court) Vellore, Vellore District.

For Appellants : Mr.C. Prabakaran

For Respondent : Mr.D. Venkatachalam

JUDGMENT

The Civil Miscellaneous Appeal is filed against the Decree and Judgment in M.C.O.P.No.92 of 2007 dated 12.07.2012 passed by the Motor Accident Claims Tribunal, (Principal District Judge's Court) Vellore, Vellore District.

2.The case of the claimants is that they are the sisters of one Ravikumar who died in a road accident on 20.10.2006. Hence, they filed a claim petition seeking Rs.5,00,000/- as compensation.

3.The Tribunal after analyzing the materials available on record found that the said Ravikumar is adopted son of one

Perumal and the claimants are the daughters of the Perumal. The Tribunal dismissed the claim petition on the ground that the claimants are not the legal heirs of the deceased.

4. Challenging the dismissal award passed by the Tribunal, the appellants have come up with this present appeal.

5. The learned counsel for the appellant would contend that the claimants are none other than the sisters of the deceased and they are the legal heirs of the deceased. Hence, they are entitled for compensation.

6. The learned Counsel for the Respondent stated that the Tribunal had rightly dismissed the petition on the ground that the claimants herein are not the legal heirs of the deceased, which is just and fair. Hence, there is no necessity to interfere with the award passed by the Tribunal.

7. Heard the learned counsel for the appellant and the respondent and perused the materials available on record.

8. On a perusal of the common award passed it is seen the learned Judge raised a question in Point No.1 i.e three points for consideration, which are as follows:

1. Whether the accident occurred due to rash and negligent driving of the bus driver?
2. Whether the petitioners in both the petitions are entitled for compensation and if so to what extent? and
3. By whom to be paid?

9. With regard to point No.1 the Tribunal based on the available evidence concluded that the driver of the Respondent's bus is the cause for the accident. The question as to whether the petitioners are the legal heirs of the deceased or not was elaborately discussed in Point No.2 and the Tribunal analysed the fact as to whether the appellants who are deemed to be the legal heirs of the deceased, are solely surviving under the shadow of the deceased or not. After analysing the relevant facts, it was made clear that only because of the Tribunal mentioning the father's name of the appellants alone cannot presume to arrive at a conclusion that the appellants are spinsters and they don't have any other means to survive without the means of the deceased. The Tribunal further held that the appellants even though ranked themselves as sisters of the deceased Ravi @ Ravi Kumar, the same has not been proved through reliable oral and documentary evidence. Hence, the Tribunal arrived at a conclusion that the appellant are not entitled to

get compensation and dismissed the petition.

10.Thus, the findings rendered by the Tribunal are persuasive which cannot be brushed aside easily. No new fact is forthcoming to assail the reasonings rendered by the Tribunal. Hence, the findings of the Tribunal is confirmed as such.

11.Thus, affirming the award passed by the Tribunal, this Civil Miscellaneous Appeal stands dismissed. No costs.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

smn

To

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

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

+1 cc to Mr.D.Venkatachalam Advocate sr13205

+1 cc to Mr.C.Prabakaran Advocate sr13016

सत्यमेव जयते

C.M.A.No.3255 of 2012

jp(co)
aa15/12/2020

WEB COPY