

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2020

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.A. No.202 of 2016

And

C.M.P.No.1730 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Railway Station Road,
Kumbakonam. ... Appellant/Respondent

vs.

1.Elumalai ... Respondent No.1/Petitioner No.1
2.Ayyammal ... Respondent No.2/Petitioner No.2
3.Suresh ... Respondent No.3/Petitioner No.3
4.Vimala ... Respondent No.4/Petitioner No.4
5.Chandhraleka ... Respondent No.5/Petitioner No.5

The Civil Miscellaneous Appeal is preferred under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 04.12.2013 passed in M.C.O.P.No.105 of 2013 on the file of the learned Special Judge, Special Court-cum-Motor Accidents Claims Tribunal, Tiruvannamalai.

For Appellant : Mr.D.Venkatachalam
For Respondents : Mr.B.Jawahar

J U D G M E N T

The fatal accident occurred on 07.04.2008 at about 02.00 P.M., near J.V.R. Chamber, opposite to Tanjore District Poodhalur Muniyandavar Temple. Due to the accident, the deceased died. The Poodhalur Police Station registered a case in Crime No.74 of 2008 under Sections 279, 337 and 304 (A) of IPC.

2. The claim petition was filed by the respondents/claimants, seeking compensation of Rs.20 lakhs. The deceased was aged about 45 years at the time of accident and he was an agriculture coolie.

3. The Tribunal adjudicated the issues with reference to the documents as well as the evidences produced by the respective parties. The liability was fixed on the appellant-Transport Corporation bus.

4. Accordingly, the appellant/Transport Corporation is liable to pay compensation to the legal heirs of the deceased. The Tribunal considered the fact that the claimants are the dependents and there are five dependents. The deceased was the breadwinner of the family and considering the facts and circumstances, the Tribunal awarded a sum of Rs.5,26,000/-.

5. This Court is of the considered opinion that the quantum of compensation awarded by the Tribunal i.e., Rs.5,26,000/- cannot be construed as exorbitant. The Tribunal applied the correct multiplier and the income fixed also is reasonable. In view of the fact that the accident occurred during the year 2008, the monthly income of the deceased was fixed at Rs.3,000/- and under these circumstances, this Court do not find any perversity or infirmity as such with reference to the quantum of compensation arrived by the Tribunal.

6. Accordingly, the judgment and decree dated 04.12.2013 passed by the learned Special Judge, Special Court-cum-Motor Accidents Claims Tribunal, Tiruvannamalai in MCOP No.105 of 2013 is confirmed and consequently, C.M.A.No.202 of 2016 stands dismissed. However, there shall be no order as to costs. The connected miscellaneous petition is also dismissed.

7. The appellant-Transport Corporation is directed to deposit the entire Award amount with accrued interest at the rate of 7.5% per annum, within a period of six weeks from the date of receipt of a copy of this judgment, if not already deposited and on such deposit, the respondents/claimants are permitted to withdraw the entire Award amount along with accrued interest, less the amount already withdrawn, by filing an appropriate application and as per the apportionment granted by the Tribunal. The payments are to be made only through RTGS.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Special Judge,
Special Court-cum-
Motor Accidents Claims Tribunal,
Tiruvannamalai.

Copy to:

The Section Officer, VR Section, High Court, Madras.

+1cc to Mr.D.Venkatachalam , Advocate SR.No. 21711

+1cc to Mr.B.Jawahan , Advocate SR.No. 21717

CMA No.202 of 2016

A.Sk(22.12.2020)



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