

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2020

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.3564 of 2013
and M.P.No.1 of 2013

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
(VPM - Division) Villupuram. ...Appellant

vs.

1.T.Dhanasekar

2.T.Usha Rani

3.T.Prabhakaran ...Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree passed by the Motor Accidents Claims Tribunal, II Court of Small Causes, Chennai made in M.C.O.P.No.1677 of 2007 dated 22.08.2012.

For Appellant : Mr.C.S.K.Sathish
For Respondents : Mr.A.A.Venkatesan

JUDGMENT

(This appeal was heard through the Video Conferencing)

This appeal has been filed by the Appellant Transport Corporation challenging the Award dated 22.08.2012 passed by the Motor Accident Claims Tribunal, II Court of Small Causes, Chennai, in M.C.O.P.No.1677 of 2007.

2.Heard Mr.C.S.K.Sathish, learned counsel for the Appellant and Mr.A.Venkatesan, learned counsel for the respondents.

3.A person by name T.Suguna died on 30.01.2007 as a result of an accident caused by a bus owned by the Appellant Transport Corporation. The respondents 1 to 3, who are the legal representatives of the deceased T.Suguna, preferred a claim before the Motor Accident Claims Tribunal in M.C.O.P.No.1677 of 2007 seeking compensation for the death of T.Suguna.

4.The Motor Accident Claims Tribunal under the impugned Award directed the Appellant Transport Corporation to pay the

respondents a sum of Rs.4,11,064/- together with interest and cost.

5.The details of the compensation awarded by the Tribunal under the impugned Award are as follows:

Pecuniary Loss (3334 x 12 x 8)	-	Rs.3,20,064/-
Medical expenses	-	Rs.51,000/-
Funeral expenses	-	Rs.10,000/-
Loss of Love and affection	-	R30,000/-

Total		Rs.4,11,064/-

6.Aggrieved by the same, the Appellant Transport Corporation has preferred this appeal. They have preferred this Appeal only on the ground that the quantum of compensation awarded by the Tribunal is excessive.

7.The respondents in their claim petition filed in M.C.O.P.No.1677 of 2007 have pleaded that the deceased was a typist and accountant, aged 54 years and earning Rs.5,000/- per month at the time of the accident. The accident had happened in the year 2007. The Tribunal has assessed notional monthly income of the deceased at Rs.4,500/-, since the respondents did not produce sufficient documentary evidence in support of their contention that the deceased was earning Rs.5,000/-per month at the time of the accident. This Court is of the view that the monthly income of the deceased assessed by the Tribunal under the impugned Award is a correct assessment.

8.As seen from the quantum of compensation awarded by the Tribunal under various heads, they are a just compensation. Considering the avocation of the deceased as well as her age and the year of the accident, there is no scope for interference to the compensation assessed by the Tribunal under the impugned Award.

9.For the foregoing reasons, this Court is of the considered view that there is no merit in this appeal.

10.Accordingly, this appeal shall stand dismissed. The Appellant Insurance Company is directed to deposit the entire amount awarded by the Tribunal, after deducting the amount already deposited if any, together with interest at the rate of 7.5% from the date of the claim till the date of realization to the credit of M.C.O.P.No.1677 of 2007, on the file of the Motor Accidents Claims Tribunal, II Court of Small Causes, Chennai, within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal is directed to transfer the respective shares of Award amount directly to the bank accounts of claimants/respondents 1 to 3 as per the apportionment made by

the Tribunal through RTGS, within a period of two weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

pam

To

1.The Motor Accidents Claims Tribunal,
III Judge, I/C II Court of Small Causes,
Chennai.

Copy To

The Section Officer,
Vernacular Section,
Madras High Court.

+1cc to Mr.A.A.Venkatesan, Advocate, S.R.No. 27435

+1cc to Mr.C.S.K.Sathish, Advocate, S.R.No. 27467

C.M.A.No.3564 of 2013

VSN II (CO)
GN(20/01/2021)

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