

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.69 of 2013

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

... Appellant/Respondent

..Vs..

1. Sakthivel
2. Angammal
3. Karpagam

...Respondents/Petitioners

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the order in MCOP.No.288 of 2008 on the file of the Motor Accident Claims Tribunal, Sub Court, Ariyalur, dated 15.02.2012.

For Appellant : Mr.C.S.K.Sathish

For Respondents : Mr.Rajasekaran - R1 to R3

J U D G M E N T

(This Appeal was taken up for hearing through Video Conferencing)

This appeal has been filed by the transport corporation challenging the award dated 15.02.2012 passed by the Motor Accident Claims Tribunal, Sub Court, Ariyalur in MCOP. No.288 of 2008.

2. A person by name Kullan died on 14.09.2008 as a result of an accident caused by a bus bearing Registration No.TN 32 N 2550, owned by the appellant/transport corporation.

3. The respondents are the dependents of the deceased and they are his son and daughters. They have preferred a claim petition before the Motor Accident Claims Tribunal seeking a compensation of Rs.5,00,000/- for the death of Kanagaraj.

4. The Motor Accident Claims Tribunal, under the impugned

award, has directed the appellant/transport corporation to pay the claimants a sum of Rs.4,50,000/- as compensation together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of realization and costs.

5. The break-up details of the award passed by the Tribunal in favour of the respondents/claimants are as follows:

Sl.No.	Head	Amount awarded by the Tribunal (Rs.)
1	Loss of income	2,88,000/-
2	Loss of love and affection	1,40,000/-
3	Transcription charges	10,000/-
4	Funeral expenses	10,000/-
5	Damages to cycle	2,000/-
	Total	4,50,000/-

6. Challenging the said award dated 15.02.2012 in MCOP.No.288 of 2008, the appellant/transport corporation has filed this appeal.

7. Heard Mr.C.S.K.Sathish, learned counsel for the appellant/transport corporation and Mr.K.Rajasekaran, learned counsel for the respondents/claimants.

8. Before the Tribunal, the claimants have filed 4 documents, which were marked as Ex.P1 to Ex.P4 and two witnesses were examined viz., PW1 - son of the deceased, PW2 - Mr.Mani, an eyewitness to the accident. On the side of the appellant/transport corporation, one witness was examined and no document was filed.

9. In the claim petition, the respondents/claimants had claimed that the deceased was aged 55 years at the time of the accident and was working as a coolie (labourer), earning Rs.4,500/- per month. The Tribunal, under the impugned award, has accepted the contention of the respondents/claimants and has assessed the monthly income of the deceased at Rs.4,500/- .Since there are three dependents viz., the respondents herein, the Tribunal has also deducted 1/3rd towards the personal income of the deceased. However, the Tribunal, under the impugned award, has assessed the age of the deceased at 60 years based on the post-mortem certificate viz., Ex.A2. even though the respondents/claimants had claimed that the deceased was aged 55 years at the time of the accident.

10. The Tribunal has also awarded Rs.1,40,000/- as compensation towards loss of love and affection to the

respondents/claimants, a sum of Rs.10,000/- as transportation charges, another sum of Rs.10,000/- towards funeral expenses and another sum of Rs.2,000/- towards damages to the cycle, in which the deceased was travelling. In all put together, a total compensation of Rs.4,50,000/- was awarded to the respondents/claimants by the Tribunal.

11. The only contention raised by the appellant/transport corporation, in this appeal is that the assessment of the monthly income fixed by the Tribunal of the deceased is on the higher side and the Tribunal ought not to have awarded a higher compensation under various other heads. Before the Tribunal, as seen from the evidence available on record, the appellant/transport corporation has not adduced any evidence to disprove the contention of the respondents/claimants, which is supported by the pleadings, oral and documentary evidence. This Court is of the considered view that the compensation awarded by the Tribunal under the impugned award to the respondents/claimants is a just compensation, which does not call for any interference by this Court.

Conclusion:

12. For the foregoing reasons, this Court does not find any merit in this appeal. Accordingly, this appeal shall stand dismissed. The Appellant /transport corporation is directed to deposit the Award amount together with interest from the date of claim till the date of deposit and costs as assessed by the Tribunal, after deducting the amount, if any, already deposited to the credit of MCOP.No.288 of 2008 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 amount to the bank account of the respondents/claimants through RTGS within a period of two weeks thereafter. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

Rli

To

1. The Motor Accident Claims Tribunal,
Sub Court, Ariyalur.

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

+1cc to Mr.C.S.K.Sathish, Advocate, S.R.No. 26405

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SVI (CO)
GN(19/12/2020)