

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2020

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.315 of 2014
and M.P.No.1 of 2014

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Villupuram Division II, Vellore - 9.

....Appellant/1st Respondent

vs.

1.M.Sasikala

2.R.Dhanapal

Sakunthala (died)

...Respondents 1 & 2/Claimants 1 & 2

...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 Additional District Court, Poonamallee made in MCOP.No.398 of 2005 dated 17.7.2013.

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

For Respondents:Not ready in notice reg. R1 and R2

JUDGMENT

(This appeal was heard through the Video Conferencing)

This appeal has been filed by the Appellant Transport Corporation challenging the Award dated 17.07.2013 passed by the Motor Accident Claims Tribunal, II Additional District Judge, Poonamallee, in M.C.O.P.No.398 of 2005.

2.Heard Mr.C.S.K.Sathish, learned counsel for the Appellant. Since this Court is going to confirm the Award, the service of notice on the respondents is not required and is dispensed with.

3.A person by name G.Ravichandran died on 17.05.2005 as a result of an accident caused by a bus owned by the Appellant Transport Corporation. The respondents are the legal representatives of the deceased G.Ravichandran. They preferred a claim before the Motor Accident Claims Tribunal in M.C.O.P.No.398 of 2005 seeking compensation for the death of G.Ravichandran

4.The Motor Accident Claims Tribunal under the impugned Award has directed the Appellant Transport Corporation to pay the respondents a compensation of Rs.7,88,000/- together with interest and cost.

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

Loss of revenue	-	Rs.7,68,000/-
Loss of consortium	-	Rs.5,000/-
Loss of love and affection	-	Rs.5,000/-
Transport expenses	-	Rs.5,000/-
Funeral expenses	-	Rs.5,000/-

Total		Rs.7,88,000/-

6.Before the Tribunal, the respondents/claimants have filed 3 documents which were marked as Exs.P1 to P3 and two witnesses were examined on their side namely, PW1 and PW2. On the side of the Appellant Transport Corporation, one witness was examined but no document was filed before the Tribunal.

7.G.Ravichandran was a mason aged 38 years and in the claim petition, the respondents had claimed that he was earning Rs.200/- per day which works out to Rs.6,000/- per month. The accident had happened in the year 2005. The Tribunal had assessed the notional monthly income of the deceased at Rs.6,000/-. The Tribunal has rightly deducted 1/3rd towards personal expenses of the deceased since there are two legal heirs.

8.Considering the year of the accident, the assessment made by the Tribunal is a correct assessment. The Tribunal has not awarded any compensation towards loss of future prospects. Since no appeal has been filed by the respondents seeking for enhancement of compensation, the non-assessment of future prospects by the Tribunal cannot be considered by this Court. The compensation awarded by the Tribunal under various other heads are also not excessive as alleged by the Appellant.

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

10.Accordingly, the appeal shall stand dismissed. The Appellant Transport Corporation 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.398 of 2005, on the file

of the Motor Accidents Claims Tribunal, II Additional District Judge, Poonamallee, 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 Award amount directly to the bank account of the respondents/claimants, through RTGS, within a period of two weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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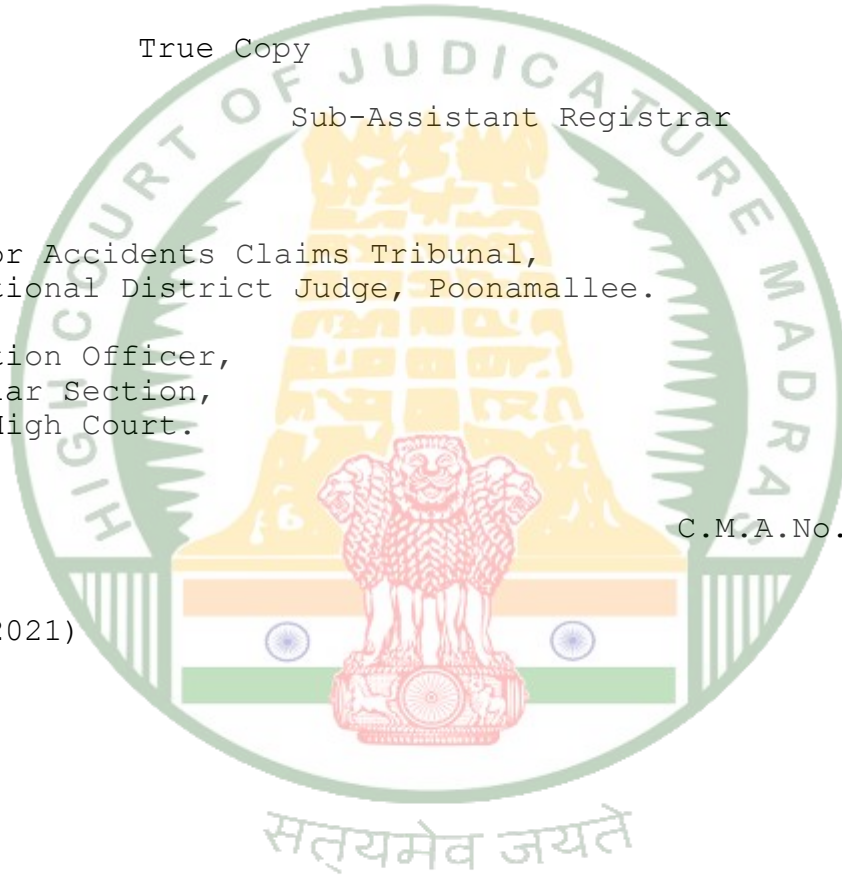
To

1.The Motor Accidents Claims Tribunal,
II Additional District Judge, Poonamallee.

2.The Section Officer,
Vernacular Section,
Madras High Court.

C.M.A.No.315 of 2014

VBA (CO)
SP(21/04/2021)



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