



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

C.M.A (MD) No. 207 of 2018

M/s. Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Rep. through its Managing Director,
Karaikudi
(cause title amended vide Court order
dt 12.02.2020 made in CMP(MD).736/2020
in CMA(MD).207/18)

.. Appellant/Respondent

Vs.

1.K.Govindan Asari
2.G.Perumal Raja

.. Respondents/Petitioners

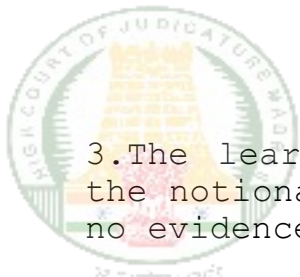
PRAYER: The Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the Award and Decree made in MCOP.No.195 of 2016 dated 29.04.2017 on the file of the Motor Accident Claims Tribunal/V Additional District Court, Madurai.

For Petitioner : Mr.P.Prabhakaran
For Respondents : Mr.T.Selvakumaram

ORDER

This appeal is preferred by the sole respondent in M.C.O.P.No.195 of 2016 on the file of Motor Accident Claims Tribunal/V Additional District Court, Madurai. The claimants are the husband and the son of the victim.

2.The case of the claimants is that the accident took place on 24.10.2015 at about 8.45 p.m in the night. The victim, wife of the first claimant was crossing the road when the driver of the bus bearing Reg.No.TN 45 N 2806 belonging to the appellant herein drove it rashly and negligently and ran over her. The other witness was her husband, the first claimant. Claiming compensation of Rs.11,76,000/-, the claimants have moved the Tribunal. The victim is stated to be a coolie and was stated to be aged 55 years. As against the contention of the claimants that the victim earned Rs.12,000/- , the Tribunal fixed it at a reasonable Rs.7,000/- p.m. as the notional income. Reckoning her age, it fixed 11 as the multiplier, and arrived at a compensation of Rs.9,24,000/- on the head of dependency. It then deducted 1/3rd of the said amount towards personal expenses of the victim, and arrived at Rs.6,16,000/- towards loss of income. After adding other heads of compensation, it arrived at a total compensation of Rs.6,47,500/-, which the appellant herein to pay with interest at 7.5% p.a.



3.The learned counsel for the appellant very strongly argued that the notional income fixed at Rs.7,000/- is very high, since there is no evidence to show that the victim was a coolie.

4.Even, if the victim were not a coolie, her household responsibilities has to be justly valued and Rs.7,000/- in these days is very moderate.

5.This Court carefully weighed the submissions of the learned for the appellant and perused the entire papers. It does not find any infirmity in the approach of the Tribunal nor any illegality in the Award. There is no merit in this appeal and the same is dismissed. No costs.

6.The learned counsel for the appellant submitted that as per the interim order passed on 10.04.2018, the appellant has deposited 50% of the Award amount. The appellant is directed to deposit whatever amount that is now due payable within a period of eight(8) weeks from the date of receipt of a copy of this order. As and when the said amount is deposited, the claimants are entitled to withdraw the entire sum.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

The Judge,
The Motor Accident Claims Tribunal/
V Additional District Court, Madurai.

Copy to
The Section Officer,V.R.Section,
Madurai Bench of Madras High Court, Madurai.(2 copies)

+1 CC to M/s.P.PRABHAKARAN, Advocate (SR-23273[F] dated 30/11/2020)

+1 CC to M/s.T.SELVA KUMARAN, Advocate (SR-23440[F] dated 01/12/2020)

C.M.A(MD)No.207 of 2018

27.11.2020

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