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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2021

CORAM:

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.1133 of 2015

and

MP No.1 of 2015

The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
No.3/137, Balamedu,
Vazhuthareddy,
Villupuram - 605 602.

....Appellant

Versus

Chinnakuzhandai

....Respondent

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 26.11.2012 made in M.C.O.P. No.16 of 2010 on the file of the Motor Accident Claims tribunal, Principal District Judge, Villupuram.

For Appellant : Mr.K.J.Sivakumar

JUDGMENT

This appeal has been filed challenging the award dated 26.11.2012 passed by the learned Principal District Judge, Motor Accident Claims Tribunal, Villupuram in MCOP No.16 of 2010.



8. The Tribunal has also adopted the correct multiplier of 14. Since the deceased was aged 44 years at the time of the accident, the compensation awarded by the Tribunal under the impugned award towards loss of income at Rs.2,52,000/- is also correct. The Tribunal has also awarded a sum of Rs.5,000/- towards funeral expenses and Rs.20,000/- towards loss of love and affection, which cannot be considered to be excessive as alleged by the appellant. Therefore, the 1st contention of the appellant that the quantum of compensation awarded by the Tribunal is excessive is rejected by this Court.

9. With regard to the liability aspect, the respondent / claimant has filed seven documents before the Tribunal, which were marked as Exs.P1 to P7 and two witnesses were examined on her side viz., the respondent / claimant herself as PW1 and Kalvarayan, an eye witness to the accident as PW2. On the side of the appellant / Transport Corporation neither any document was filed nor any witness was examined before the Tribunal. An FIR (Ex.P1) has also been registered only against the Driver of the bus owned by the appellant / Transport Corporation. No contra evidence has been produced by the appellant / Transport Corporation to disprove the contention of the respondent / claimant that it was only the Driver of the bus owned by the appellant / Transport Corporation, who was responsible for the cause of the accident. Therefore, the second contention raised by the appellant with regard to the liability is also rejected by this Court.

10. For the foregoing reasons, this Court does not find any merit in this appeal and accordingly, the Civil Miscellaneous Appeal shall stand dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

vsi2



1. The Principal District Judge,
Motor Accident Claims Tribunal,
Villupuram.
2. The Section Officer,
V.R. Section, High Court of Madras,
Chennai - 104.

+1cc to Mr.K.J.Sivakumar, Advocate, S.R.No.23419

C.M.A.No.1133 of 2015

SSN(CO)
RLP(30/09/2021)