



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A. No. 2677 of 2009

Tamil Nadu State Transport Corporation,
(Salem Division-1) Ltd,
Represented by its Managing Director,
No.12, Ramakrishna Road,
Salem - 636 007.
(Formerly known as Anna Transport
Corporation, Slame-7)
(CT Accepted vide as per order of this Court dated 12.06.2001
made in CMP No.8087/2001) ... Appellant/1st Respondent

Vs

1. Mallika ...1st Respondent/1st Claimant
2. (Minor) Mano ...2nd Respondent/2nd Claimant
3. (Minor) Manjukavi ...3rd Respondent/3rd Claimant
(Respondents 2 and 3 are represented
through their natural guardian and
mother, the first respondent herein)
4. Chinnammal ...4th Respondent/Claimant
5. T.Sengamalai ...5th Respondent/2nd Respondent

Prayer: The Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree made in M.C.O.P.No. 151 of 1997 on the file of the Motor Accidents Claims Tribunal (I Additional District Judge cum Chief Judicial Magistrate), Salem dated 12.02.1999.

For Appellant : Mr. D.Raghu

For Respondent 1 to 4 : No appearance
R5 : Dismissed as not preferred
in Lower Court



JUDGMENT

This appeal has been filed by the Transport Corporation, challenging the award dated 12.02.1999, passed by the Motor Accident Claims Tribunal, Salem, in M.C.O.P.No.151 of 1997.

2. The appellant Transport Corporation has primarily challenged the impugned award, questioning the quantum of compensation awarded by the Tribunal to the respondents/claimants. The respondents/claimants are the dependants of the deceased Mani, who died on 04.05.1996 as a result of an accident caused by the bus, owned by the appellant Transport Corporation.

3. The cause of the accident which resulted in the death of Mani has not been disputed by the respondents before the Tribunal, as seen from the evidence available on record.

4. The only question that arises for consideration in this appeal is whether the compensation awarded by the Tribunal in favour of the respondents/claimants is excessive or not.

5. The deceased Mani was having the educational qualification of M.A.,B.Ed., and he was working as a Junior Assistant in Panchayat Union Office, Gangavalli, drawing a salary of Rs.3,013/- (Rupees Three Thousand and Thirteen only) per month, as seen from the claim petition filed by the respondents/claimants.

6. Before the Tribunal, the respondents/claimants have filed the pay certificate of the deceased which has been marked as Ex.A5. The Tribunal has accepted the same and fixed the monthly income of the deceased at Rs.3,013/- (Rupees Three Thousand and Thirteen only) and assessed the loss of dependency at Rs.3,84,000/- (Rupees Three Lakhs Eighty Four Thousand only) at the rate of Rs.2,000/- (Rupees Two Thousand only) per month for a period of 16 years.

7. The Tribunal has also awarded a compensation of Rs.5,000/- (Rupees Five Thousand only) towards loss of consortium to the first respondent/first claimant, who is the wife of the deceased. The Tribunal has also awarded a compensation of Rs.5,000/- (Rupees Five Thousand only) towards loss of love and affection.





directly to the bank account of the respondents /claimants, through RTGS, within a period of two weeks thereafter as per the ratio of apportionment fixed by the Tribunal.

WEB COPY

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

rgi

To

1. The Motor Accidents Claims Tribunal,
I Additional District Judge cum
Chief Judicial Magistrate, Salem.

2. The Section Officer,
V.R.Section, High Court,
Madras - 104.

+1cc to Mr.D.Raghu, Advocate Sr.50319

C.M.A. No. 2677 of 2009

jpl[col
srg 06/01/2022