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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.NO.1411 OF 2016

AND

C.M.P.NO.10785 OF 2016

The Managing Director,  
Tamilnadu State Transport Corporation,  
(Coimbatore Div-1) coimbatore,  
Chennimalai Road, Erode.

...Appellant / Respondent

..Vs..

Lakshmi

...Respondent / Petitioner

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Decree and order passed in MCOP.No.913/13 dated 25.02.2015 on the file of the Motor Accident Claims Tribunal (I Additional District Judge, Tirupur).

For Appellant : Ms.R.T.Sundari

For Respondent : Mr.Lokesh  
for Mr.Ma.P.Thangavel

#### J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the Transport Corporation challenging the award dated 25.02.2015 passed by the Motor Accident Claims Tribunal (I Additional District Judge, Tirupur) in MCOP.No.913 of 2013

2. Heard Ms.R.T.Sundari, learned counsel for the Appellant and Mr.Lokesh, learned counsel for the respondent.

3. The Appellant Transport Corporation has challenged the Award on the following grounds: (a) They have questioned their liability to pay compensation to the respondent/claimant who is the mother of the deceased Ganesh Kumar who died on 19.05.2013 as a result of an accident caused by the bus owned by the Appellant Transport Corporation and (b) the quantum of compensation awarded by the Tribunal is excessive.



4. The Tribunal under the impugned award has directed the Appellant Transport Corporation to pay the respondent/claimant a compensation of Rs.7,53,000/- together with interest and costs for the death of Ganesh kumar, the son of the respondent/claimant due to the accident caused by the bus owned by the Appellant Transport Corporation. The details of the compensation are as follows:

| Heads                      | Award Amount<br>(Rs.)                                        |
|----------------------------|--------------------------------------------------------------|
| Loss of income             | 6,93,000/-<br>(7000 + 50% = 10500 -<br>50% = 5250 x 12 x 11) |
| Loss of love and affection | 50,000/-                                                     |
| Funeral Expenses           | 10,000/-                                                     |
| Total                      | 7,53,000/-                                                   |

5. Insofar as the first contention questioning the liability of the Appellant Transport Corporation is concerned, the Tribunal has rightly held the Appellant Transport Corporation liable to compensate the claim of the respondent/claimant for the following reasons (a) FIR has been registered only against the driver of the bus owned by the Appellant Transport corporation. (b) No independent witness has also been examined by the Appellant Transport Corporation to disprove the contents of the FIR and the deposition of the respondent/claimant as well as eye-witness to the accident. (c) Since no independent contra evidence has been produced by the Appellant Transport Corporation to disprove the contention of the respondent/claimant, this Court is in agreement with the findings given by the Tribunal as regards the liability.

6. Insofar as the quantum of compensation awarded by the Tribunal is concerned, this Court is of the considered view that the same cannot also be considered to be excessive as alleged by the Appellant Transport corporation for the following reasons: (a) In the claim petition, the claimant had claimed that the deceased Ganesh Kumar was an Ironing master, aged 29 years and earning Rs.8,000/- per month at the time of accident. The accident happened on 19.05.2013 which resulted in the death of Ganesh Kumar. The Tribunal has fixed the notional monthly income of the deceased at Rs.7,500/-. After giving due consideration to the year of the accident, this Court is of the considered view that notional monthly income of Rs.7500/- fixed by the Tribunal cannot be considered to be excessive as alleged by the Appellant Transport Corporation. (b) The Tribunal has awarded a total compensation of Rs.7,53,000/- and this Court is of the considered view that the compensation awarded by the Tribunal under various heads cannot be considered to be excessive as alleged by the Appellant Transport Corporation.



7. For the foregoing reasons, there is no merit in this appeal. Accordingly, this Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

8. It is represented by the learned counsel for the Appellant that the entire award amount has already been deposited before the Tribunal to the credit of MCOP.No.913 of 2013. In view of the same, this Court directs the Tribunal to transfer the amount lying to the credit of MCOP.No.913 of 2013 to the bank account of the respondent/claimant through RTGS within a period of one week from the date of receipt of a copy of this Judgment. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

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To

1.The Motor Accident Claims Tribunal,  
The I Additional District Judge,  
Tirupur.

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

+1cc to Mr.Ma.P.Thangavel, Advocate SR.No.25073

C.M.A.No.1411 of 2016

PVS(CO)  
RVM(28/09/2021)