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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.NO.629 OF 2021

AND

C.M.P.NO.3818 OF 2021

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Division III, NH4, Main Road,
Ponnerikarai,
Karanipettai Post,
Kanchipuram Taluk.

...Appellant / Respondent

Vs.

1.R.Jayanthi

2.R.Rukmani

3.A.Selvaraji

...Respondents / Petitioners

Prayer : This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and decree dated 30.09.2019 made in M.C.O.P.No.655 of 2015, on the file of the Additional District Court (FTC), (Motor Accidents Claims Tribunal), Kanchipuram.

For Appellant : Mr.K.J.Sivakumar

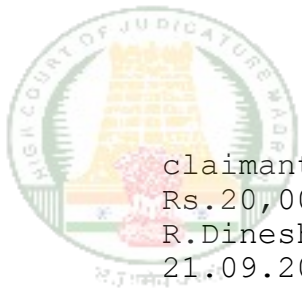
For Respondents 1 to 3 : Mr.M.Sivakumar
for Mr.C.Prabakaran

J U D G M E N T

(The matter is heard through "Video Conferencing/Hybrid mode")

This Civil Miscellaneous Appeal has been filed by the appellant-Transport Corporation to set aside the award of the Tribunal dated 30.09.2019 made in M.C.O.P. No.655 of 2015, on the file of the Additional District Court (FTC), (Motor Accidents Claims Tribunal), Kanchipuram.

2.The appellant is the respondent in M.C.O.P.No.655 of 2015, on the file of the Additional District Court (FTC), (Motor Accidents Claims Tribunal), Kanchipuram. The respondents /



claimants filed the said claim petition, claiming a sum of Rs.20,00,000/- as compensation for the death of one R.Dineshkumar, who died in the accident that took place on 21.09.2014.

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3. According to the respondents, on the date of accident, when the deceased R.Dineshkumar was riding a Motorcycle along with one pillion rider viz., D.Damodaran from his native village towards Mamandoor on the extreme left side of the mud road, opposite to Irukundram Village Government School, on the GST High ways, the driver of the Bus owned by the appellant-Transport Corporation drove the same in a rash and negligent manner and hit against the Motorcycle driven by the said R.Dineshkumar and caused the accident. In the accident, the said R.Dineshkumar sustained fatal injuries and died on the spot. The accident occurred only due to rash and negligent driving by driver of the Bus. Hence, the respondents filed the claim petition claiming compensation for the death of R.Dineshkumar against the appellant as owner of the Bus involved in the accident.

4. The Tribunal considering the pleadings, oral and documentary evidence, held that the accident occurred only due to rash and negligent driving by driver of the Bus owned by the appellant-Transport Corporation and directed the appellant to pay a sum of Rs.15,82,000/- as compensation to the 1st respondent. The Tribunal dismissed the claim petition as against the respondents 2 and 3.

5. To set aside the award of the Tribunal dated 30.09.2019 made in M.C.O.P. No.655 of 2015, the appellant - Transport Corporation has come out with the present appeal.

6. Though the appellant-Insurance Company raised various grounds with regard to negligence, at the time of arguments, the learned counsel appearing for the appellant restricted his arguments only with regard to quantum of compensation awarded by the Tribunal. The learned counsel appearing for the appellant contended that in the absence of any documents by the respondents to prove the age, avocation and income of the deceased R.Dineshkumar, the monthly income of Rs.7,500/- fixed by the Tribunal is excessive. The Tribunal erred in awarding compensation towards loss of consortium to the 1st respondent who is the mother of the deceased R.Dineshkumar. The total compensation awarded by the Tribunal is excessive and prayed for setting aside the award of the Tribunal.

7. The learned counsel appearing for the respondents made his submissions in support of the award passed by the Tribunal and prayed for dismissal of the appeal.



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10. In the result, this Civil Miscellaneous Appeal is dismissed and the amount awarded by the Tribunal at Rs.15,82,000/- together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit is confirmed. The appellant-Transport Corporation is directed to deposit the award amount along with interest and costs, less the amount already deposited, within a period of twelve weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P. No.655 of 2015. On such deposit, the 1st respondent is permitted to withdraw the award amount, along with interest and costs, after adjusting the amount, if any, already withdrawn, by filing necessary applications before the Tribunal. The appeal is dismissed as against the respondents 2 and 3. Consequently, connected Miscellaneous Petition is closed. No costs.

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To

1.The Additional District Court,
Fast Track Court,
(Motor Accident Claims Tribunal),
Kanchipuram.

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

+1cc to Mr.K.J.Sivakumar, Advocate, S.R.No.18994

+1cc to M/s.C.Prabakaran, Advocate, S.R.No.18931

C.M.A.No.629 of 2021
and
C.M.P.No.3818 of 2021

AJS (CO)
RVM(22/11/2021)