



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

C.M.A.NO.2437 OF 2021

AND

CMP.NO.13888 OF 2021

The Managing Director,
Tamil Nadu State Transport Corporation,
Having Office at No.3/137,
Salamedu, Vazhuthareddy Post,
Vizhupuram Taluk & District.

... Appellant/Respondent

Vs.

1. Dharani
2. Minor.Naveenkumar
(minor rep.by his mother/NF Dharani)
3. Rukku

...Respondents/Petitioners

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 05.12.2020 made in M.C.O.P.No.301 of 2016 on the file of the Motor Accidents Claims Tribunal, Fast Track Mahila Court, Vellore.

For Appellant : Mr.K.J.Sivakumar

JUDGMENT

The matter is heard through "Video Conferencing".

2. This Civil Miscellaneous Appeal has been filed to set aside the award dated 05.12.2020 made in M.C.O.P.No.301 of 2016 on the file of the Motor Accidents Claims Tribunal, Fast Track Mahila Court, Vellore.



3.The appellant is the respondent in M.C.O.P.No.301 of 2016 on the file of the Motor Accidents Claims Tribunal, Fast Track Mahila Court, Vellore. The respondents filed the above said claim petition claiming a sum of Rs.30,00,000/- as compensation for the death of one Gangadharan, who died in the accident that took place on 07.08.2012.

4.According to respondents, on 07.08.2012 at about 10:30 P.M., while the deceased Gangadharan was riding his Bullock cart on the left side of the road at L.Mangkuppam Church, at that time the driver of the bus bearing Registration No.TN 32 N 2881 belonging to appellant-Transport Corporation, drove the bus in a rash and negligent manner without observing any road traffic rules and dashed against the deceased who was riding bullock cart and caused the accident. Immediately the deceased was taken to the Ambur Government Hospital and then Vellore Government Hospital and finally admitted at General Hospital, Chennai where he was reported dead. Therefore, the respondents filed the said claim petition claiming a sum of Rs.30,00,000/- as compensation against the appellant-Transport Corporation.

5. The learned counsel appearing for the appellant contended that the respondents failed to prove the age, avocation and income of the deceased by producing valid documents. In the absence of any material evidence to prove the avocation and income, a sum of Rs.9,000/- per month has been fixed by the Tribunal as notional income of the deceased and the same is excessive. In any event, the quantum of compensation claimed by the respondents is highly excessive and prayed for dismissal of the claim petition.

6. Before the Tribunal, the 1st respondent examined herself as P.W.1, and one Sekar was examined as P.W.2 and Saravanan, Record Keeper at Government Hospital, Chennai was examined as PW3 and 9 documents were marked as Exs.P1 to P9. On behalf of the appellant, Ramesh, Driver of the bus belonging to appellant was examined as R.W.1 and no exhibits were marked.

7. The Tribunal, considering the pleadings, oral and documentary evidence, held that the accident occurred only due to rash and negligent driving by the driver of the bus belonging to appellant-Transport Corporation and directed the appellant to pay a sum of Rs.17,38,150/- as compensation to the respondents.





apportionment fixed by the Tribunal along with proportionate interest and costs after adjusting the amount, if any already withdrawn, by filing necessary applications before the Tribunal. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

dpq

To

1. The Presiding Officer,
Motor Accidents Claims Tribunal,
Fast Track Mahila Court,
Vellore.
2. The Record Keeper,
V.R. Section,
High Court, Madras.

+1cc to Mr.K.J.Sivakumar, Advocate, S.R.No.43455

C.M.A.No.2437 of 2021
and CMP.No.13888 of 2021

MG(CO)
RLP(25/10/2021)