



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.08.2021
CORAM

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

C.M.A.No.2291 of 2021 and
C.M.P.No.12734 of 2021

The Managing Director,
Tamil Nadu State Transport Corporation Ltd,
Villupuram Division, Kancheepuram.
Having Branch Office at
J.N. Road, Tiruvallur.

... Appellant/Respondent

vs.

1. S. Mathamma
2. K. Parasuram
3. K. Chengamma

...Respondents/Petitioner

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 27.11.2019 made in M.C.O.P.No.12 of 2019 on the file of the Motor accident Claims Tribunal, Special District Judge, Tiruvallur.

For Appellant : Mr. K.J.Sivakumar

JUDGMENT

This Appeal has been filed by the Transport Corporation challenging the Award dated 27.11.2019 passed by the Motor Accident Claims Tribunal, Special District Judge, Tiruvallur in M.C.O.P.No.12 of 2019, directing the Appellant/Transport Corporation to pay the Claimants a sum of Rs.13,40,000/- as compensation for the death of the deceased, who succumbed to the injuries sustained in an accident which occurred on 05.11.2018 involving the bus owned by the appellant/Transport Corporation. Respondents/Claimants are the dependants of the deceased viz. Wife, Son and Mother.

2. Before the Tribunal, the Respondents/Claimants claimed a sum of Rs.25,00,000/- as compensation for the injuries sustained by him. In support of their claim, the Respondents/claimants marked Exs.P1 to P7 before the Tribunal



and No eyewitness were examined as witnesses. On the side of the, petitioner/appellant, No witness was examined and no exhibit was marked.

3. On consideration of the oral and documentary evidence available on record, the Tribunal has awarded a sum of Rs.13,40,000/- as compensation to the Respondents/Claimants. Details of the compensation awarded by the Tribunal under the impugned Award, are as follows :

Heads	Amount awarded by the Tribunal (Rs.)
Pecuniary Loss	11,70,000
Loss of Consortium	40,000.00
Funeral Expenses	15,000.00
Loss of Estate	15,000.00
Love and Affection	100000.0
Total	13,40,000

4. Heard the learned counsel for the parties and perused the material documents available on record.

5. The appellant has challenged the impugned award on the ground that mere registration of an FIR is not enough for holding negligence on their part and the Tribunal has also erred in fixing the monthly income of the deceased at Rs.9,000/- which according to them is on the higher side.

6. Insofar as the first contention raised by the appellant is concerned, the Respondents/ Claimants has proved their case by not alone filing an FIR, which has been marked as Ex.P1 but has also adduced oral evidence through an eyewitness to the accident viz., PW2. No contra evidence has been produced by the appellant before the Tribunal to disprove the contention of the Respondents/ Claimants that only due to the rash and negligent driving by the driver of the bus owned by the appellant / Transport Corporation, the accident had happened which resulted in injuries sustained by him. Therefore, this Court is of the considered view that there is no basis for the appellant to contend that mere registration of an FIR against the Driver of the bus without corroboration by any other independent witness.

7. Insofar as the fixation of monthly income is concerned, despite the claimants stated the deceased was



earning a sum of Rs.20,000/- per month, the Claims Tribunal has fixed only a sum of Rs.9,000/- per month as monthly income of the deceased. Considering the cost of living prevailing as on date, the monthly income fixed by the Tribunal cannot be said to be excessive.

8. Considering the nature of injuries sustained by the Respondent/Claimant, the quantum of compensation awarded by the Tribunal to the Respondents/Claimants under various heads, totalling a sum of Rs.13,40,000/-, cannot be considered to be excessive, as alleged by the Appellant/ Transport Corporation. For the foregoing reasons, this Court does not find any merit in this Appeal and accordingly, the Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

9. The Appellant/Transport Corporation is directed to deposit the entire amount awarded by the Tribunal together with interest at 7.5% per annum from the date of the Claim Petition till the date of realization, less the amount, if any, already deposited to the credit of M.C.O.P. No.12 of 2019 on the file of the Motor Accidents Claims Tribunal, (Special District Judge), Tiruvallur, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to transfer the Award amount directly to the Bank account of the Respondents/Claimants through RTGS, as per the apportionments fixed by the Tribunal within a period of two weeks.

Sd/-

Assistant Registrar (CS II)

//True Copy//

Sub Assistant Registrar

(arr)

To:

1.The Motor accident Claims Tribunal,
Special District Judge,
Tiruvallur.

2.The Section Officer,
V.R. Section,
High Court of Madras,
Chennai 600 104.



+1 cc to M/s.K.J.Sivakumar, Advocate sr41389

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