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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.2001 of 2020
and CMP.No.14693 of 2020

(Through Video Conferencing)

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Perambalur. ... Appellant/ Respondent

vs.

1.Asutha
2.Rajagopal
3.Jayamani ... Respondents/ Petitioners

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree in M.C.O.P.No.490 of 2017 dated 03.01.2020, on the file of the Motor Accidents Claims Tribunal, (Principal District Court) Perambalur.

For Appellant : Mr.K.Ponraj for
Ms.P.Rajathi

For R1 : No Appearance

For R2 & R3 : Mr.G.Vigneshwar for
Ms.A.Kayalvizhi

J U D G M E N T

The State Transport Corporation is the appellant. It is aggrieved by the impugned Judgment and Decree dated 03.01.2020, passed by the Motor Accident Claims Tribunal, (Principal District Court) Perambalur in M.C.O.P.No..490 of 2017.

2. By the impugned Judgment and Decree, the Tribunal has awarded a sum of Rs.11,62,000/- together with interest at 7.5% per annum from the date of filing of the claim petition till the date of deposit, to the 1st to 3rd respondents/claimants under the following heads:-



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Heads	Amount
Loss of dependency Loss of income Rs.6,500 Add : Future prospects @ 40% Rs.2,600/- ----- Rs.9,100/- ----- Annual income x12 (Rs,9,100 x 12) : Rs.1,09,200/- Less : 1/3 (Rs.1,09,200 x 1/3) : Rs.72,800/- Multiplier : 15 (Rs.72,800 x15) : Rs.10,92,000/-	Rs.10,92,000/-
Loss of consortium	Rs. 40,000/-
Loss of estate	Rs. 15,000/-
Funeral expenses	Rs. 15,000/-
Total	Rs.11,62,000/-

3. The accident is said to have taken place on 03.06.2017 at about 4.45 p.m. The deceased Rajadurai was travelling in a bus bearing Reg.No.TN-45-N-2864 belonging to the appellant-State Transport Corporation. It was stated that the driver of the said bus drove the said bus in a rash and negligent manner with high speed, as a result of which, the deceased Rajadurai was fell down from moving the bus and died on the spot.

4. In this appeal, the appellant State Transport corporation has questioned the liability by placing the reliance on the final report filed before the Judicial Magistrate. Pursuant to the FIR - Ex.P.1, wherein the investigation conducted by the police which reveals that the deceased himself fell down from moving the bus resulting in fatal injury.

5. In the light of the above investigation report, final report was filed before the Judicial Magistrate. He therefore submits that the appeal filed by the State Transport Corporation is liable to be allowed.

6. Defending the impugned Judgment and decree, the learned counsel for the respondents submits that P.W.2 deposed evidence in support of his evidence and confirmed that the driver of the



appellant State Transport Corporation had driven the bus in a rash and negligent manner, as a result of which, the claimant fell up from the bus and died on the spot.

7. A finding of the fact given by the Tribunal cannot be disturbed in the Appellate proceedings. Therefore, there is no merit in the appeal filed by the appellant State Transport corporation. Therefore, this appeal is liable to be dismissed.

8. The appellant-Transport Corporation is therefore directed to deposit the compensation awarded together with interest at 7.5% per annum from the date of filing of the claim petition till the date of deposit and cost as was directed by the Tribunal in the impugned Judgment and Decree, less any amount already deposited, within a period of six weeks from the date of receipt of a copy of this Judgment.

9. On such deposit, the respondents - claimants are permitted to withdraw the same together with interest and cost in the same proportion as was directed by the Tribunal in the impugned Judgment and Decree, less any amount already withdrawn, by filing suitable applications before the Tribunal.

10. In view of the above, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kkd

To:-

The Motor Accident Claims Tribunal,
(Principal District Court)Perambalur.

+1cc to Mr.P.Karunanithi, Advocate SR.No. 28836

+1cc to Mr.D.Raghu, Advocate SR.No. 28583

C.M.A.No.2001 of 2020

Mg (CO)

A.SK(16.09.2021)