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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2021

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THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.3919 of 2019

and

C.M.P.No.934 of 2021

The Managing Director,
Metropolitan Transport Corporation (Chennai),
Anna Salai,
Chennai - 600 002.

...Appellant/Defendant

Vs.

1.M.Sumathi

2.D.Munirathinam

...Respondents/Petitioners

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 09.02.2018 made in M.C.O.P.No.120 of 2017, on the file of the Motor Accidents Claims Tribunal - I, Learned Special District Judge, Tiruvallur.

For Appellant : Mr.S.S.Swaminathan

For Respondent : Mr.Karthikeyan

JUDGMENT

The appellant is aggrieved by the impugned Judgment and decree dated 09.02.2018 passed by the Motor Accidents Claims Tribunal - I, Learned Special District Judge, Tiruvallur.

2.The appellant/State Transport Corporation is the appellant in this appeal and is aggrieved by the impugned judgment and decree dated 09.02.2018 passed by the Motor Accidents Claims Tribunal - I, Learned Special District Judge, Tiruvallur in M.C.O.P.No. 120 of 2017. By the impugned Judgment and decree, the Tribunal has awarded a sum of Rs.10,04,000/- as detailed below:



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Monthly Income of the deceased for calculating pecuniary loss	Rs. 8,000/-
Since the deceased was a bachelor 50% deducted to be made his income after deducting amount towards his personal expenses his take home pay comes to	Rs. 4,000/-
Pecuniary loss is calculated as Rs.4,000 X 12 X 18	Rs.8,64,000/-

3.The impugned judgment and decree passed by the Tribunal is sought to be assailed on the ground that there is no direct evidence to establish that the driver of the vehicle belonging to the 1st respondent was involved in the accident. It is further submitted that though it is alleged that the accident had taken place at 05.15 pm, the driver and the conductor of bus were examined. They had completed the days trip and there was nothing noticed against them. It is submitted that a false complaint was filed against them by the father of the deceased.

4.Further, grievance of the appellant is that P.W.2 would not have been eye witness and therefore the Tribunal heard in awarding compensation on behalf of the respondent/claimant.

5.The learned counsel for the appellant submitted that the impugned judgment and decree of the Tribunal is well-reasoned and requires no interference.

6.I have considered the arguments advanced by the learned counsel for the appellant and the 1st respondent.

7.In my view, the Tribunal has come to a fair conclusion based on the evidence on record. Not only the FIR in Ex.P.1 but also the deposition of P.W.2 confirm that the driver of the appellant. The driver drove the bus in rash and negligent manner resulting in the death of the deceased. Exhibit P1 FIR was also been lodged on the same date of the accident.

8.It is further noticed that in Ex.R1, the driver of the vehicle had also accepted that he was responsible before the accident.

9.In view of the same, I do not find any merits in the present appeal filed by the appellant/State Transport Corporation.



10.The appellant/Insurance Company is directed to deposit the amount of compensation of Rs. 10,04,000/-, awarded by the Tribunal, together with interest at 7.5% per annum from the date of the claim petition till the date of such deposit, less any amount already deposited by it, within a period of six weeks from the date of receipt of the copy of this judgment.

11.On such deposit being made by the appellant/Insurance Company, the respondents/claimants are permitted to withdraw their respective shares in the same proportion as was ordered by the Tribunal, together with interest accrued thereon, less the amount already withdrawn if any, by filing suitable application before the Tribunal.

12.Accordingly, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(P&A)

//True Copy//

Sub Assistant Registrar

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To:

1. The Motor Accidents Claims Tribunal,
Learned Sub-Judge, Tiruvallur.
2. The V.R.Section,
Madras High Court, Madras.

+1cc to Mr.G.Karthikeyan, Advocate, S.R.No.24643

+1cc to Mr.S.S.Swaminathan, Advocate, S.R.No.24345

C.M.A.No.3919 of 2019
and
C.M.P.No.934 of 2021

PP(CO)
RGA(10/12/2021)