



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.202

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN
C.M.A.No.4636 of 2019

(Through Video Conferencing)

Padmapriya @ Sumaya

... Appellant/Petitioner

VS.

The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan Salai,
Chennai 600 002.

...Respondent/Respondent

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 08.01.2019 made in M.C.O.P.No.4080 of 2015 on the file of the Motor Accident Claims Tribunal (III Court of Small Causes) Chennai.

For appellant : Ms.Ramya V.Rao

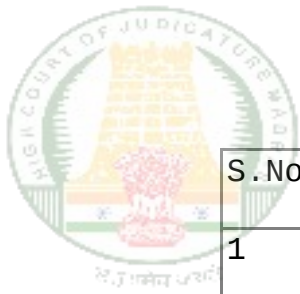
For Respondent : Mr.K.Moorthy

J U D G M E N T

The claimant is the appellant in this Civil Miscellaneous Appeal. They have filed this appeal for enhancement of compensation awarded by the Tribunal.

2.By the impugned Judgment and decree dated 08.01.2019, the Motor Accident Claims Tribunal (III Court of Small Causes) Chennai in M.C.O.P.No.4080 of 2016 has awarded a sum of Rs.9,25,000/- together with interest at 7.5% per annum from the date of filing of the claim petition till the date of deposit, to the appellant/claimant.

3.The break up of the amount awarded by the Lower Court are summarised below:-



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S.No.	Heads	Amount awarded by the Tribunal
1	Loss of dependency (Rs.5,000/-x40% x12 - 1/2 x18)	Rs. 8,10,000/-
2	Loss of love and affection	Rs. 1,00,000/-
3	Funeral expenses	Rs. 15,000/-
Total		Rs. 9,25,000/-

4. The appellant/claimant has filed the present Civil Miscellaneous Appeal for enhancement of the compensation awarded.

5. The case of the appellant is that on 19.06.2014 at about 16.35 hours while the deceased minor boy was travelling in MTC bus bearing Reg.No.TN.01.N.4161. It is submitted that the driver of the bus allegedly drove the bus in a rash and negligent manner endangering public safety and applied sudden break when the bus neared Lloyds road bus stop at junction Dr.Natesan road. As a result of which, the deceased minor fell down on the road and sustained fatal injuries in all over his body and eventually died.

6. The impugned Judgment and decree is defended on behalf of the respondent State Transport Corporation. It is submitted that the Tribunal has passed a well reasoned the Judgment and decree and prays for dismissal of this appeal.

7. I have considered the arguments advanced by the learned counsel for the appellants and the learned counsel for the respondent- State Transport corporation. The Tribunal has awarded just compensation for the death of the minor boy aged about 13 years.

8. Therefore, I do not find any reasons to interfere with the income of the deceased in this appeal. The Tribunal has fixed the notional income of the deceased as Rs.10,000/- p.m. which appears to be reasonable.

9. In the light of the above observation, the award in the impugned Judgment and decree dated 08.01.2019 in M.C.O.P.No.4080 of 2015 on the file of the Motor Accident Claims Tribunal, (III Court of Small Causes) Chennai is confirmed .



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10. The respondent - State Transport Corporation is therefore directed to deposit the award amount together with interest at 7.5% per annum from the date of filing of the claim petition till the date of deposit and cost less any amount already deposited, within a period of six weeks from the date of receipt of a copy of this Judgment.

11. On such deposit, the appellant is permitted to withdraw the compensation together with interest and cost as was directed by the Tribunal, by filing suitable application before the Tribunal.

12. Accordingly, this Civil Miscellaneous Appeal is dismissed with the above observations. No costs.

Sd/-

ASSISTANT REGISTRAR

// TRUE COPY//

SUB ASSISTANT REGISTRAR

kkd

To:-

The Motor Accidents Claims Tribunal,
(III Court of Small Causes) Chennai.

Copy to

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

+2cc to Mr.A.N.Viswanatha Rao, Advocate Sr.23717

+1cc to Mr.K.Moorthy, Advocate Sr.24071

C.M.A.No.4636 of 2019

pm[co]
srg 22/11/2021