



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 24.02.2021

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLIC.M.A(MD)No.326 of 2013andMP(MD)No.1 of 2013

The Managing Director,
Tamil Nadu Transport Corporation Ltd.,
Bye-Pass Road, Madurai.

: Appellant/Respondent

Vs.

1.Veerasamy
2.Vijayalakshmi
3.Ramesh

: Respondents/Petitioners

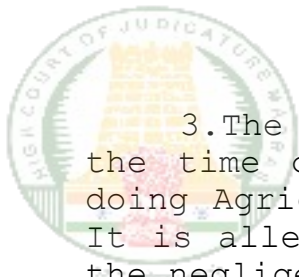
PRAYER:- Civil Miscellaneous Appeal has been filed under Section 173 of the Motor Vehicles Act, 1988 against the award passed by the Motor Accident Claims Tribunal (Principal District Court), Tirunelveli, made in MCOP No.275 of 2008, dated 31.12.2009.

For Appellant : Mr.M.Prakash
For Respondents : No appearance

J U D G M E N T

This Civil Miscellaneous Appeal has been filed challenging the award passed by the Motor Accident Claims Tribunal (Principal District Court), Tirunelveli, made in MCOP No.275 of 2008, dated 31.12.2009.

2.The short facts of the case is that on 24.10.2007 at about 04.00 pm, the deceased Maryammal @ Mariammal was standing near Jawahar Hospital at Vasudevanallur on Tenkasi-Madurai main road in the the mud portion of the road and at that time, the Transport Corporation Bus TN-67-N-0453 came in a rash and negligent manner and suddenly entered into the mud portion and knocked down the deceased and run away from the spot and as a consequence, the deceased died on the spot due to the head injury. The legal heirs of the deceased filed a claim petition seeking compensation of Rs.5,00,000/- on the ground that the offending vehicle caused the accident.



3.The claimants have stated that the deceased was 45 years at the time of accident and he was working as Milk Vendor and also doing Agriculture work and thereby he earning Rs.3,000/- per month. It is alleged that the said Maryammal @ Mariammal died only due to the negligence of the driver of the offending vehicle.

WEB COPY

4.In the counter filed by the Appellant Transport Corporation, they disputed the manner of accident and their liability to pay compensation.

5.Before the tribunal, on the side of the claimants, 2 witnesses were examined and marked 6 documents. On the side of the Appellant Transport Corporation, 1 witness was examined and no document was marked.

6.The Tribunal, on consideration of oral and documentary evidence adduced by the parties, came to the conclusion that the driver of the offending vehicle has caused the accident and awarded compensation of Rs.2,93,500/- together with interest @ 9% p.a.

7.Heard the learned counsel appearing for the appellant and perused the materials available on record. There is no representation on behalf of the respondents.

8.Even though so many grounds were raised in the grounds of appeal, the learned counsel for the appellant Transport Corporation mainly argued that the interest awarded by the tribunal for the compensation is on the higher side and that has to be reduced to 7.5% p.a and in other aspects, the appellant has no objection to confirm the award.

9.It is not in dispute that the deceased was a Agriculture Labour and also doing Milk Vending business and thereby, she was earning Rs.3,000/- per month. It is not in dispute that the deceased died at the age of 51 years. Based on the evidence, the tribunal has rightly fixed the monthly income of the deceased at Rs.3,000/-. By applying multiplier '11' and after deducting 1/3rd from the salary of the deceased for her personal expenses, the tribunal has awarded Rs.2,64,000/- towards loss of income. Further, the tribunal has awarded Rs.29,500/- under the conventional heads. In total, the tribunal has awarded Rs.2,93,500/- to the claimants along with interest @ 9% p.a.

10.It is the main contention of the learned counsel appearing for the appellant Transportation Corporation that they are only disputed the interest awarded by the tribunal at the rate of 9% p.a, instead of 7.5% p.a

11.In view of the above facts and also considering the submission of the learned counsel appearing for the appellant, this court is of the view that the compensation awarded by the tribunal is reasonable one and the same is confirmed. With regard to the interest awarded by the tribunal, the same is reduced to 7.5% pa.



Accordingly, this Civil Miscellaneous Appeal is partly allowed. In other aspects, the findings of the tribunal is confirmed. No costs. Consequently, connected Miscellaneous Petition is closed.

WEB COPY

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

er

To

1.The Motor Accident Claims Tribunal/
Principal District Court, Tirunelveli.

2.The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai.(2C)

CMA(MD) No.326 of 2013
24.02.2021

KK(03.06.2021) 3P 4C