



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 16.03.2021

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THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

C.M.A (MD) No.590 of 2013

and

MP (MD) No.1 of 2013

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The Managing Director,
Tamilnadu State Transport Corporation,
Railway Feeders Road,
Dindigul.

: Appellant/Respondent

Vs.

Jayamani

: Respondent/Petitioner

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 (I Additional District Court), Madurai, made in MCOP No.1608 of 2008, dated, 30.04.2010.

For Appellant : Mr.M.Prakash

For Respondent : Mr.K.K.Kannan

J U D G M E N T

This Civil Miscellaneous Appeal is directed against the award passed by the Motor Accident Claims Tribunal (I Additional District Court), Madurai, in MCOP No.1608 of 2008, dated 30.04.2010.

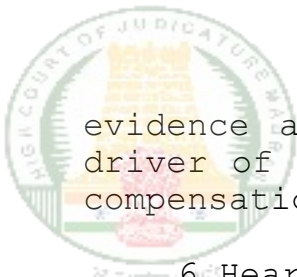
2.The short facts of the case is that on 25.12.2007 at about 4.45 pm, one Nagu @ Nagassubramanian was riding the motor cycle TN-60-D-1209 along with one Nagarajan as pillion rider from Cumbam to Uthamapalayam and at that time, the Bus TN-57-N-1106 came in a rash and negligent manner and dashed against the motor cycle. In that process, the deceased sustained fatal injury and succumbed to death and the pillion rider had also sustained injury. A claim petition was filed by the father of the deceased seeking compensation of Rs.6,00,000/- on the ground that the offending vehicle caused the accident.

3.The claim was resisted by the appellant Transport Corporation contending that the claim made by the claimant was excessive and they also disputed the manner of accident and to pay the compensation to the claimant.

4.Before the tribunal, on the side of the claimant, 3 witnesses were examined and marked 9 documents. On the side of the Transport Corporation, 1 witness was examined and no document was marked.

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5.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.6,00,000/- together with interest @ 7.5% p.a.

6. Heard both sides and perused the materials available on record.

7. Even though several grounds were raised in the grounds of appeal, it is mainly argued on the side of the appellant Transport Corporation that the compensation awarded by the tribunal is on the higher side, hence, the same has to be reduced. On the other hand, the learned counsel appearing for the respondent argued the case in support of the findings of the tribunal.

8. It is not in dispute that at the time of accident, the deceased was 25 years old and he was working in Bajaj Finance Limited and earned Rs.11,457/- per month. As per Ex.P9, the monthly salary of the deceased is Rs.10,700/-. Based on the evidence, the tribunal has fixed the monthly income of the deceased at Rs.10,700/- and by adopting multiplier 5, the tribunal has arrived at the loss of income of deceased at Rs.6,42,000/-. Further, the tribunal has awarded Rs.2,000/- towards funeral expenses. In total, the tribunal has awarded Rs.6,44,000/- together with interest at the rate of 7.5% pa. As the claimant has restricted the claim to the extent of Rs.6,00,000/-, the tribunal has awarded the compensation to the tune of Rs.6,00,000/-. In my considered view, the quantum awarded by the Tribunal is fair and reasonable and the same can be confirmed.

9. In such view of the matter, this court does not find any illegality or infirmity in the award passed by the Tribunal. In fine, the appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar(CS)

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To

1. The Motor Accident Claims Tribunal/
I Additional District Court, Madurai

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