



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2021

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

C.M.A. (MD)No.122 of 2021

and C.M.P. (MD)No.1030 of 2021

WEB COPY

M/s. Tamilnadu State Transport Corporation Limited,
Rep by its Managing Director,
Madurai Limited,
now Tirunelveli Division,
Nagercoil,
Kanniyakumari District.

... Appellant/Respondent

Vs.

1.Sheethalakshmi
2.Iyappan
3.Maharajan

... Respondents/Petitioners

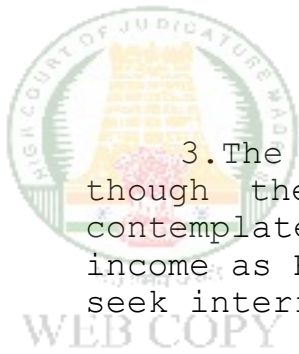
PRAYER: This Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to call for the records relating to the fair and decreetal order dated 10.02.2020 passed in M.C.O.P.No.774 of 2019 by the Motor Accident Claims Tribunal cum III Additional District Judge, Tirunelveli and to set aside the same.

For appellant : Mr.R.Rajamohan

JUDGMENT

This Civil Miscellaneous Appeal has been filed against the fair and decreetal order dated 10.02.2020 made in M.C.O.P.No.774 of 2019 on the file of the Motor Accident Claims Tribunal cum III Additional District Judge, Tirunelveli.

2.The above appeal has been filed questioning the quantum by the appellant. The brief facts of the case is that the first respondent is the mother, the second respondent is the father and the third respondent is the brother of the deceased. On 13.01.2019, the deceased was travelling in the motorcycle bearing registration No.TN74 AT 7114 as a pillion rider. At about 10.00 pm., near Myladi SM School, the bus bearing registration No.TN32 N 3676 belonging to the appellant, driven by its driver in a rash and negligent manner, dashed against the motorcycle and due to grievous injuries sustained by the deceased, the deceased died on the spot. At the time of accident, the deceased was pursuing Mechanical Engineering Course. Hence, the respondents herein filed claim petition before the Motor Accident Claims Tribunal cum III Additional District Judge, Tirunelveli and the Tribunal awarded a sum of Rs.31,54,000/- by fixing the monthly income of the deceased as Rs.20,000/-. Aggrieved over the same, the present appeal has been filed.



3.The learned counsel for the appellant would submit that though the monthly income of the deceased was not proved as contemplated under law, the learned Judge erred in fixing notional income as Rs.20,000/-, which is on the higher side. Hence, he would seek interference of this Court.

4.Heard the learned counsel for the appellant and perused the materials available on record.

5.Perusal of record shows that the deceased died on the spot due to the accident. It is an admitted fact that the deceased was pursuing Mechanical Engineering Course and the Tribunal fixed Rs.20,000/- as monthly income. The loss to the father cannot be valued in term of money. The accident is of the year 2019 and the income fixed by the Tribunal is very reasonable for an Engineering College student and therefore, I do not find any infirmity in the notional income fixed by the learned Judge. The award passed is very reasonable and the interference of this Court is not warranted. Accordingly, this civil miscellaneous petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Motor Accident Claims Tribunal cum
III Additional District Court, Tirunelveli.

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

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-4490[F] dated 11/02/2021)

C.M.A. (MD)No.122 of 2021
11.02.2021

KB (23.06.2021) 2P 5C