



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2021

CORAM :

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THE HONOURABLE MRS.JUSTICE S.ANANTHI

CMA(MD) .No.731 of 2021

and

MP.No.6700 of 2021

The Managing Director,
Tamil Nadu State Transport
Corporation (Madurai Division),
Bye Pass Road,
Madurai.

... Appellant/Respondent

Vs.

1.R.Kokilavani
2.Minor R.Santhosh
3.Minor R.Navinkumar

***(Minor Respondents 2 and 3 represented
through their mother/natural guardian,
the first respondent R.Kokilavani)***

4.Ayyasamy
5.Patchayammal

... Respondents/Petitioner

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, to set aside the order dated 11.11.2019 passed in M.C.O.P.No.11 of 2018 on the file of the Motor Accident claims Tribunal(V Additional District Court), Madurai.

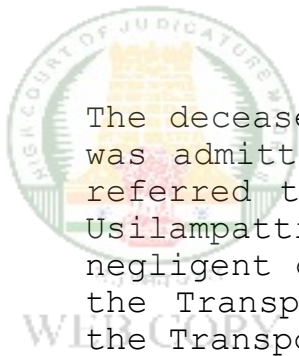
For Appellant : Mr.P.Prabhakaran

J U D G M E N T

The Tamil Nadu State Transport Corporation, the respondent in MCOP.No.11 of 2018 on the file of the Motor Accidents Claims Tribunal/ V Additional District Court, Madurai has filed the present appeal.

2. The case of the claimant is as follows:

The deceased Rajendran was working as a conductor in the TNSTC Bus bearing Registration No.TN 58 N 2156. On 23.07.2017, the said bus proceeding from Usilampatti, the driver of the bus applied sudden brake, as a result of which the deceased was fell down from the front side of bus steps and pulled away to few meters in the road.



The deceased sustained multiple fatal injuries all over the body. He was admitted in the bala hospital for first aid treatment and then referred to Government Hospital, Usilampatti but on the way to GH Usilampatti he died. According to the claimant, the rash and negligent driving on the part of the driver of the bus belonging to the Transport Corporation was the cause of the accident and hence the Transport Corporation is liable to pay compensation to him.

3. The learned V Additional District Judge / Motor Accident Claims Tribunal, Madurai, after analysing the evidence on record, awarded a compensation of Rs.38,16,498/- together with interest at the rate of 7.5% per annum to the claimants and directed the Transport Corporation to pay the same. Aggrieved over the orders passed by the Tribunal, Tamil Nadu State Transport Corporation has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

4. Heard Mr.P.Prabhakaran, learned counsel appearing for the appellant. No appearance on behalf of the respondents.

5. Mr.P.Prabhakaran, learned counsel appearing for the appellant contended that the deceased was travelled in the foot board of the bus in a careless manner and invited the accident and though sufficient evidence was adduced on the side of the appellant, in this regard and the Tribunal wrongly fixed the entire negligence on the part of the driver of the bus.

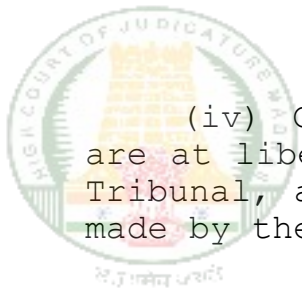
6. In the instant case, the deceased was working as a conductor in the Appellant/Transport Corporation and he was getting a salary of Rs.24,076/- per month and the deceased salary was produced for the month of June 2017 and the same was marked as Ex.p5. Hence, the notional monthly income fixed by the Tribunal is very reasonable. By no stretch of imagination, the award passed by the Tribunal can be said to be exorbitant and in the facts and circumstances of the present case, the appeal fails and is dismissed.

7. In the result,

(i) The Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

(ii) The orders passed by the Tribunal is confirmed.

(iii) The appellant / Transport Corporation is directed to deposit the compensation awarded by the Tribunal i.e., Rs.38,16,498/- (less the amount already deposited, if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of MCOP.No.11 of 2018 on the file of the Motor Accident Claims Tribunal / V Additional District Judge, Madurai within a period of Twelve weeks from the date of receipt of a copy of this order.



(iv) On such deposit being made, the respondents / claimants are at liberty to withdraw the same as per the orders passed by the Tribunal, after following the due process of law. The apportionment made by the Tribunal shall be kept intact.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The V Additional District Judge,
The Motor Accidents Claims Tribunal,
Madurai.

COPY TO:-

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1 CC to M/s.P. PRABHAKARAN, Advocate (SR-34187[F] dated 11/11/2021)

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