



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2021

CORAM:

THE HONOURABLE **MRS. JUSTICE T.KRISHNAVALLI**

C.M.A. (MD)No.219 of 2016

and CMP. (MD)No.912 of 2021

WEB COPY

1.K.Lakshmi
2.Minor.K.Sridevi
3.MinorK.Srimathi
MinorK.Sridhar(Died) ... Appellants/Claimants
(The 2nd and 3rd minor appellants represented by their
mother/natural guardian, the first appellant K.Lakshmi)

Vs.

Tamil Nadu State Transport
Corporation (Kumbakonam)Ltd.,
Represented by its Managing Director,
Karaikudi. ... Respondent/Respondent

PRAYER: This Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and award made in MCOP.No.30 of 2010 dated 1st day of July 2013 on the file of the learned VI Additional District Judge, Madurai for enhancement.

For Appellants : Mr.R.Selvakumar
For Respondent : Mr.D.Sivaraman

JUDGMENT

This Civil Miscellaneous Appeal has been filed against the judgment and award made in MCOP.No.30 of 2010 dated 1st day of July 2013 on the file of the learned VI Additional District Judge, Madurai.

2.Brief facts of the case is that on 05.01.2007, while the husband of the first appellant came in his bike, the bus, which belongs to the respondent corporation, came in a rash and negligent manner and dashed against the husband of the first appellant. Due to the accident, the first appellant's husband died in the spot. Thereafter, the appellants filed a claim petition in MCOP.No.30 of 2010 and the Tribunal awarded 26,60,460/-. Aggrieved over the same, the present civil miscellaneous appeal has been filed by the appellants.

3.The learned counsel for the appellants would submit that the Tribunal failed to note that the deceased was a permanent employee in Tamil Nadu Police Service as Head Constable and the Tribunal ought to have fixed the income of the deceased at Rs.23,113/- Therefore, he would pray for allowing of this



appeal.

4.The learned counsel appearing for the respondents would submit that the Tribunal has rightly fixed the compensation and hence, he would pray for dismissal of this appeal.

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

6.Perusal of record shows that due to the rash and negligent driving of the bus by its Driver, the accident had occurred and the first appellant's husband died on the spot. The Tribunal had rightly fixed the compensation where I do not find any infirmity and the interference of this Court does not warranted.

7.In the result, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gns

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

The Motor Accident Claims Tribunal,
VI Additional District Court, Madurai.

Copy to:

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

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-5012[F] dated 15/02/2021)

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svn(CO)

TR(18.05.2021) 2P 5C