



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 12.03.2021

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THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

C.M.A (MD) No.563 of 2018

and

CMP (MD) No.6592 of 2018

Tamil Nadu State Transport Corporation
Kumbakonam, represented by
its Managing Director,
Railway Station Road,
Kumbakonam Town,
Kumbakonam.

: Appellant/Respondent

Vs.

1.Ponnukannu
2.Muniyiah

: Respondents/Claimants

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 (III Additional District and Sessions Court), Thanjavur at Pattukottai, in MCOP No.209 of 2012, dated, 14.12.2015.

For Appellant : Mr.P.Prabhakaran

For Respondents : No appearance

J U D G M E N T

This Civil Miscellaneous Appeal is directed against the award passed by the Motor Accident Claims Tribunal (III Additional District and Sessions Court), Thanjavur at Pattukottai, in MCOP No.209 of 2012, dated 14.12.2015.

2.The short facts of the case is that on 24.11.2011 at about 8.15 am, as usual when the deceased Karthika going to the school in the Bus TN-49-N-1860 by standing near the front entrance of the Bus, the driver of the Bus drove it in a rash and negligent manner and due to it, the said Karthika fell down through the front entrance of the Bus and the back side wheel of the Bus climbed over the body of the deceased and immediately, she was taken to Peravurani Government Hospital and subsequently, she was referred to Thanjavur Medical College Hospital, but however, she died in the hospital. A claim



petition was filed by the parents of the deceased seeking compensation of Rs.10,00,000/- 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 claimants 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 claimants, 1 witness was examined and marked 8 documents. On the side of the Transport Corporation, 1 witness was examined and no document was marked.

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.5,60,000/- together with interest @ 7.5% p.a.

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

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.

8.It is not in dispute that at the time of accident, the deceased was a school going girl aged about 16 years. Considering the facts and circumstance of the case and also based on the evidence, the tribunal has calculated the annual loss of income at Rs.36,000/- and by applying multiplier 15, awarded Rs.5,40,000/-. Further, the tribunal has awarded Rs.10,000/- towards pain and sufferings; Rs.5,000/- towards funeral expenses and Rs.5,000/- for transportation charges. In total, the tribunal has awarded Rs.5,60,000/- together with interest at the rate of 7.5% pa. In my considered view, the quantum awarded by the Tribunal is fair and reasonable and the same can be confirmed.

9.In fine, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar(CS)



To
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The III Additional District and Sessions Judge,
Motor Accident Claims Tribunal,
Thanjavur at Pattukottai.

copy to

The Record Keeper-2 copies
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.P.PRABHAKARAN, Advocate (SR-10757[F] dated 12/03/2021)

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KM(09.07.2021) 3P 5C