



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.804 of 2018

and

CMP(MD)No.9037 of 2018

State Express Transport Corporation Limited,
through its Managing Director,
office at No.2, Pallavansalai,
Chennai.

: Appellant/1st Respondent

Vs.

1.Mariammal
2.Senthil Kumar
3.Thangam

: R1 to R3/Petitioners

4.Arivazhagan
5.National Insurance Company Limited,
through its Branch Manager,
Office at No.74-A, Paramathy Road,
Namakkal.

: R4 and R5/R2 and R3

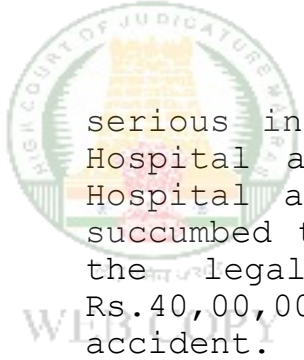
Prayer : Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the award, dated 31.01.2018 made in MCOP No.676 of 2015 on the file of the Motor Accident Claims Tribunal (Special Sub Court), Tirunelveli.

For Appellant : Mr.P.Prabhakaran
For R1 to R3 : Mr.T.Selvakumaran
For 4th Respondent : No such Address
For 5th Respondent : Mr.D.Sivaraman

JUDGMENT

This Civil Miscellaneous Appeal is directed against the award passed by the Motor Accident Claims Tribunal (Special Sub Court), Tirunelveli, in MCOP No.676 of 2015, dated 31.01.2018.

2.The short facts of the case is that on 24.08.2014 at about 6.00 am, the deceased was travelling in the Bus TN-01-N-9770 from Tenkasi to Tirunelveli, as Conductor by sitting on the front left seat of the Bus and when the Bus reaching just after the Bus Stop of Pavorchatram on the Tenkasi-Tirunelveli main road, the Lorry TN-28-M-4725, which was going ahead of the Lorry TN-29-AF-7372 stopped and which, both the lorry halted on the road, the driver of Bus unable to control the same, hit against the rear side of the Lorry TN-28-M-4725. Due to the impact, the deceased sustained



serious injuries and immediately, he was taken to the Government Hospital at Tenkasi and after first aid, he was taken to TVMC Hospital at Palayamkottai and admitted as inpatient. However, he succumbed to injury on the same day. A claim petition was filed by the legal heirs of the deceased seeking compensation of Rs.40,00,000/- for the death of the deceased in the alleged accident.

3.The claim was resisted by the appellant Transport Corporation and the National Insurance Company 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 claimants.

4.Before the tribunal, on the side of the claimants, 3 witnesses were examined and marked 7 documents. On the side of the Transport Corporation and Insurance Company, 2 witnesses were examined and 3 documents were marked.

5.The Tribunal, on consideration of oral and documentary evidence adduced by the parties, came to the conclusion that the driver of the bus caused the accident and awarded compensation of Rs.16,11,811/- together with interest @ 7.5% p.a and dismissed the claim petition as against the National Insurance Company. Aggrieved by the said award, the Transport Corporation is before this court.

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 respondents 1 and 3 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 55 years old and he was working as 'Conductor' in the Transport Corporation and earned Rs.29,616/- per month. Based on the evidence and after calculating deductions, the tribunal has fixed the monthly income of the deceased at Rs.15,935/- and by adopting proper multiplier and after deducting 1/3rd towards his personal and living expenses, the tribunal has arrived at the loss of income of the deceased at Rs.15,41,811/-. Further, the tribunal has awarded Rs.40,000/- towards loss of consortium; Rs.15,000/- for funeral expenses and Rs.15,000/- for loss of estate. In total, the tribunal has awarded Rs.16,11,811/- 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 (CS-I)

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Sub Assistant Registrar(CS)

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To,

1. The Motor Accident Claims Tribunal/
Special Sub Court, Tirunelveli.

COPY TO

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

+1 CC to M/s.P.PRABHAKARAN, Advocate (SR-10758[F] dated 12/03/2021)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-10972[F] dated 15/03/2021)

+1 CC to M/s.T.SELVAKUMARAN, Advocate (SR-11463[F] dated 16/03/2021)

C.M.A(MD)No.804 of 2018
12.03.2021

KB(01.07.2021) 3P 7C