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C.M.A.No.2339 of 2022

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 31.10.2022

CORAM:

**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

**C.M.A.No.2339 of 2022**

**and**

**C.M.P.No.18218 of 2022**

The Managing Director,  
Tamil Nadu State Transport Corporation Limited,  
Villupuramn. ... Appellant/Respondent

Vs.

1.Banumathi  
2.Hemalatha  
3.Venkatesh  
4.Rajeswari ... Petitioners/Respondents

**Prayer:** Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act against the Award and Decree dated 17.02.2020 in M.C.O.P.No.392 of 2015 on the file of the learned Subordinate Judge, Motor Accidents Claims Tribunal, Gingee.

For Appellant : Mr.K.J.Sivakumar



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## **JUDGMENT**

The Transport Corporation has filed the above appeal challenging the Award and Decree dated 17.02.2020 in M.C.O.P.No.392 of 2015 on the file of the learned Subordinate Judge, Motor Accidents Claims Tribunal, Gingee, on the ground that the quantum of Compensation is on the higher side.

2.The respondents/claimants had filed the above claim petition seeking compensation for the death of one Saravanan, husband of the 1<sup>st</sup> respondent herein, father of the respondents 2 and 3 and the son of the 4<sup>th</sup> respondent herein. The deceased was working as a Conductor with the respondent/Transport Corporation and earning a monthly income of Rs.40,000/-. On 04.11.2015, when the deceased was returning home from the TNSTC depot in his two wheeler at about 09.15p.m., when he came near the A.N.A.Thirumanamandapam at



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Gingee, the respondent's bus, bearing Registration No.TN 25N 0058 which was driven in a rash and negligent manner and dashed against the two wheeler, as a result of which, the deceased suffered grievous injuries and he was admitted in the JIPMER Hospital and after three days he had died.

3.The appellant/Transport Corporation had filed a counter denying the negligence on the part of the driver of the bus contending that it was the deceased who had not driven the vehicle following the road rules.

4.The Tribunal awarded a sum of Rs.38,23,711/- as compensation to the respondents. The Tribunal has awarded a sum of Rs.37,53,711/- by adopting a monthly income of Rs.24,679/- on the basis of Ex.P.8- Salary Certificate to which 30% was added towards future prospects making the monthly income of Rs.32,083/-. Taking



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into account the age of the deceased, the multiplier of 13 was adopted and  $\frac{1}{4}^{\text{th}}$  amount was deducted towards personal expenses.

5.A perusal of the Award would indicate that no amounts have been granted towards loss of love and affection to the respondents 2 to 4. The Award appears to be fair and reasonable and I see no reason to set aside the Award passed by the Tribunal.

6.The Civil Miscellaneous Appeal is dismissed. The appellant/ Transport Corporation is directed to deposit the entire amount, less the amount already deposited, with proportionate accrued interest and costs, to the credit of M.C.O.P.No.392 of 2015 on the file of the learned Subordinate Judge, Motor Accidents Claims Tribunal, Gingee, within a period of six weeks from the date of receipt of a copy of this Judgment, if not deposited earlier. On such deposit, the respondents/ claimants are permitted to withdraw the entire award amount with



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proportionate accrued interest and costs, as apportioned by the Tribunal  
by making necessary applications.

The claimants are directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall not disburse the amount till such time as proof of payment of Court Fee has been produced by the claimants. No costs. Consequently, connected Miscellaneous Petition is closed.

31.10.2022

Index : Yes/No  
Internet : Yes/No  
Speaking order / Non speaking order  
mps

To

The Subordinate Judge,  
Motor Accidents Claims Tribunal,  
Gingee.



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**P.T. ASHA, J,**

mps

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