



C.M.A.No.983 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

C O R A M

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

C.M.A.No.983 of 2022

and

C.M.P.No.7303 of 2022

The Karnataka State Transport Corporation Ltd.,
Kolar Division, rep by its Managing Director,
Kolar Division, K.H.Road,
Bangalore, Karnataka

... Appellant

-Vs.-

1. K.Palani
2. P.Thamilarasi
3. P.Narendiran
4. S.Rajendra Reddy

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgement and decree dated 20.09.2021 passed in M.C.O.P.No.47 of 2017 on the file of the Motor Accident Claims Tribunal (Subordinate Judge) at Gudiyatham.

For Appellant : Mr.T.Thiyagarajan



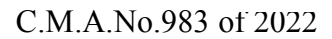
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J U D G M E N T

The Transport-Corporation is before this Court, challenging the award passed by the learned Subordinate Judge (MACT), Gudiyatham in M.C.O.P.No.47 of 2017 dated 20.09.2021.

2. The respondents 1 to 3 are the parents and brother of one P.Prabhakaran, who had died in a road accident that took place on 12.01.2017. On the said date, at around 3.45 p.m., the deceased along with the third respondent herein, were proceeding in a two-wheeler bearing Registration No.TN-22-CA-9634. The brothers were proceeding on Pallikonda to Gudiyatham Road and when they neared Hyderpuram, the bus belonging to the appellant-Transport Corporation, which was driven in a rash and negligent manner, dashed against the two-wheeler, in which, the deceased travelled, as a result of which, the said Prabhakaran and the third respondent herein had sustained grievous injuries. They rushed to the Government hospital, Gudiyattam, where the said Prabhakaran succumbed to his injuries. The respondents 1 to 3/claimants would submit that the accident had occurred only on account of the rash and negligent driving of the driver of the appellant-Transport Corporation's bus and they had sought a compensation of



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who was the minor, had ridden the two-wheeler, 10% contributory negligence had been mulcted on him. The Tribunal has proceeded to award a sum of Rs.9,47,520/- as compensation.

6. The Tribunal has taken into account the age of the deceased and the fact that he was a second year student, doing his diploma course in Electrical and Electronics Engineering (D.E.E.E), the Tribunal had only fixed a monthly income at Rs.6,500/- to which, 40% was added towards future prospects and taking into account the age of the deceased, had adopted a multiplier of 18 and since he was the minor, 50% was deducted towards his personal expenses. However, only a sum of Rs.30,000/- has been granted under the head of "Love and Affection". It is this order that is sought to be challenged and as held by the Tribunal the manner in which the accident had taken place, clearly proves that the appellant-Transport Corporation's bus driver was responsible for the accident. P.W.2, who was the rider of the bike and the eye-witness, has deposed about the manner in which the accident had taken place. The appellant-Transport Corporation has not been able to rebut or shake this evidence. The Tribunal has therefore rightly held that it is the fourth respondent herein, who had caused the accident on account of rash and



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negligent driving and the appellant-transport Corporation, was liable to compensate the claimants. The Tribunal has also awarded very reasonable compensation and reasonings have been given for the same. Therefore, I see no reason to interfere with well-considered Award of the Tribunal below and accordingly, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

27.04.2022

Index:Yes/No

Speaking Order : Yes/No

srn

To

1. The Subordinate Judge (MACT) at Gudiyatham.
2. The Section Officer, V.R.Section,
High Court of Madras, Chennai.



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P.T.ASHA.J

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