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C.M.A.No.2158 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2022

CORAM:

THE HONOURABLE Ms. JUSTICE P.T.ASHA

C.M.A.No.2158 of 2022

and

C.M.P.No.16775 of 2022

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Vazhudhareddy, Villupuram.

... Appellant

vs.

1.Pazhaniammal
2.Ashokan

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Decree and Judgment dated 18.03.2020 made in M.C.O.P.No.409 of 2016 on the file of the Motor Accident Claims Tribunal, III Additional District Judge, Virudhachalam.

For Appellant : Mr.K.J.Sivakumar
For Respondents : Mr.S.Udhayakumar

JUDGMENT

The Transport Corporation has challenged the award passed by the Motor Accident Claims Tribunal, III Additional District Judge,



C.M.A.No.2158 of 2022

Virudhachalam in M.A.C.T.O.P.No. 409 of 2016 on the ground that the quantum of compensation granted is on the higher side and that contributory negligence ought to have been fastened on the deceased Anbarasu, the son of the respondents herein.

2. The parties are referred to in the same ranking as before the Tribunal.

3. It is the case of the petitioners that the deceased Anbarasu who was aged 14 years old met with an accident, while he was a pillion rider in the motor cycle bearing Reg.No.TN-32-L-3647 on 29.08.2016. The rider of the motor cycle had stopped the motor cycle to avoid the accident despite which the respondent's Bus bearing Reg.No.TN-32-N-2887 which was driven in a rash and negligent manner dashed against the motor cycle, as a result of which, Anbarasu had died on the spot. Therefore, the respondents / claimants had filed the claim petition claiming for a total compensation of Rs.20,00,000/- for the death of the said Anbarasu.



C.M.A.No.2158 of 2022

4. The Transport Corporation had stated that three persons were travelling in the two wheeler and there is a violation of the provisions of the Motor Vehicles Act. They had further stated that the accident had occurred only on account of the negligence of the rider of the motor cycle in which the deceased was travelling. The compensation claimed was on a higher side and therefore, the respondent / Transport Corporation sought to have the claim petition be dismissed.

5. The Tribunal on considering the evidence had fastened the liability on the respondent / Transport Corporation and had arrived at a total compensation of a sum of Rs.9,30,000/-. Aggrieved the same, the Transport Corporation has preferred this appeal before this Court.

6. The appellant/Transport Corporation is aggrieved by the fact that the Tribunal below had adopted an annual income of Rs.60,000/- for a 14 year old boy, which work out to Rs.5,000/- p.m., and applying the multiplier of 14, the compensation under the head of loss of income was worked out at Rs.8,40,000/-. The learned counsel for the appellant/Transport Corporation submitted that a sum of Rs.3,000/- p.m.,



C.M.A.No.2158 of 2022

could have been fixed as notional income and Rs.50,000/- awarded towards

loss of love and affection is also on the higher side.

7. Per contra, the learned counsel for the respondents/claimants had appeared before the Court would contend that a very reasonable amount has been passed by the Tribunal below. Under the head of loss of love and affection, Rs.50,000/- only has been granted but the respondents/claimants did not challenge the award of the Tribunal.

8. Heard the learned counsel on either side and perused the materials on record.

9. The deceased Anbarasu aged about 14 years and the accident had occurred in the year 2016. The Tribunal had only fixed a notional income of Rs.60,000/- per annum, which appears to be very reasonable. The award under all other heads are also have been very reasonable and therefore, I see no reason to interfere with the award passed by the Tribunal below.



C.M.A.No.2158 of 2022

10. In the result, this Civil Miscellaneous Appeal is dismissed and

Decree and Judgment dated 18.03.2020 made in M.A.C.T.O.P.No.409 of 2016 on the file of the Motor Accident Claims Tribunal, III Additional District Judge, Virudhachalam, is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

10.10.2022

Index : Yes/No
Speaking / Non-speaking order
ssn

To

1. The Motor Accident Claims Tribunal,
III Additional District Judge,
Virudhachalam.
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.



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C.M.A.No.2158 of 2022

P.T.ASHA, J.,

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C.M.A.No.2158 of 2022
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