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C.M.A.No.2079 of 2022

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 20.09.2022

CORAM:

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.M.A.No.2079 of 2022

and

C.M.P.No.16106 of 2022

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Villupuram. ... Respondent/Petitioner

Vs.

Bhaskaran ... Petitioner/Respondent

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act against the Award and Decree dated 31.07.2019 in M.C.O.P.No.79 of 2004 on the file of the learned II Additional District and Sessions Judge, Motor Accidents Claims Tribunal, Chidamabram.

For Appellant : Mr.KJ.Sivakumar

For Respondent : Mr.A.Murugan



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JUDGMENT

The Transport Corporation has filed the above appeal challenging the Award passed by the learned II Additional District and Sessions Judge, Motor Accidents Claims Tribunal, Chidamabram, in M.C.O.P.No.79 of 2004.

2.When the matter had come up for hearing, the learned counsel for the respondent would submit that the order had been passed on 12.03.2021. The respondent/petitioner had filed an appeal seeking enhancement in C.M.A.No.770 of 2021. This Court by order dated 12.03.2021 was pleased to dismiss the said appeal and confirmed the award passed by the Tribunal. In the said appeal, the appellant herein had pleaded that the adoption of the multiplier method is erroneous and had also informed the Court that the Transport Corporation was proposing to file an appeal.



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The main grievance of the appellant is the fixation of the monthly income for assessing compensation. The Tribunal on the basis of Ex.P.20series and the evidence of the petitioner as PW1, which has not been rebutted by the respondent, fixed the monthly income. Therefore, the Award of the Tribunal does not suffer from any perversity or error. Consequently, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

20.09.2022

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

To
The II Additional District and Sessions Judge,
Motor Accidents Claims Tribunal,
Chidamabram.



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P.T. ASHA, J,

mps

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