



C.M.A.No.2247 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 28.11.2022

CORAM:

THE HONOURABLE Ms. JUSTICE P.T.ASHA

C.M.A.No.2247 of 2022

and

C.M.P.No.17300 of 2022

The Managing Director,
Tamil Nadu State Transport Corporation Ltd., (VPM),
Villupuram. ... Appellant

vs.

1.Varimala
2.Sathish
3.Santhosh ... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Judgment and Decree dated 31.03.2022 made in M.C.O.P.No.822 of 2017 on the file of the Motor Accident Claims Tribunal, the Principal District Judge, Puducherry.

For Appellant : Mr.K.J.Sivakumar
For Respondents : Mr.R.Sreedhar



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JUDGMENT

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The Transport Corporation has challenged the award passed by the Motor Accident Claims Tribunal, Principal District Judge, Puducherry in M.A.C.T.O.P.No.822 of 2017 on the ground of negligence and on the ground of quantum particularly, fixation of monthly income of Rs.6,000/-.

2. The brief facts are herein below narrated and the parties are referred to in the same ranking as before the Tribunal.

3. The petitioners had filed the above claim petition seeking compensation for the death of one Selvamani, the husband of the 1st petitioner and father of the petitioners 2 and 3 in a road accident on 01.02.2017 involving the bus belonging to the respondent Transport Corporation. The petitioners had contended that the accident had occurred only on account of the rash and negligent driving by the driver of the respondent's bus which had come in the



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opposite direction and hit the car which the said Selvamani was driving when he was proceeding from Kumbakonam to Pondicherry.

It is stated that the said Selvamani was aged 59 years old had worked as a Superintendent at Labour Department at Puducherry.

4. The Respondent Transport Corporation has filed a counter denying that the petitioners are not the legal representatives of the deceased and further stating that the deceased was responsible for the accident that he had driven the same in a rash and negligent manner as a result of which, he had lost control and had hit the bus coming from the opposite direction. They had also denied the fact that the deceased was earning a monthly pension for a sum of Rs.24,745/- p.m., and an additional income of about Rs.15,000/-.

5. The Tribunal on considering the evidence on record particularly the evidence of PW2 eye-witness and Ex.P1-F.I.R., Ex.P4-Accident Inspection Report of the bus and Ex.P5-Accident



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Inspection Report of the Car and come to the conclusion that the

accident had occurred only on account of the negligence on the part of the driver of the respondent's bus who had been examined as RW1.

He has admitted to the fact that the Department enquiry had been conducted against him. Thereafter, the Tribunal has proceeded to award a total compensation for a sum of Rs.3,66,000/-. Though the claimants had filed Exs.P13 pay slip of the deceased Selvamani, the Tribunal had however fixed the monthly income only at Rs.6,000/-. This award is challenged before this Court.

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

7. As regards the question of negligence PW2 eye-witness has clearly deposed about the manner in which the accident had occurred and the witness has clearly deposed to the fact that the bus driver was driving the bus in a rash and negligent manner and the First



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Information Report would also find fault only against the driver of the Respondent's bus and he is also facing Departmental enquiry. As regards the income, the Tribunal has rightly taken into account the fact that the wife is in receipt of the pension and on a conspectus of all of the above factors, the Tribunal had arrived at a notional income of Rs.6,000/-. The age of the deceased was also taken as 61 and not 59 as claimed by the petitioners in their claim petition. Therefore, the award of the Tribunal appears to be a well considered one and I see no reason to interfere with the same.

8. In the result, this Civil Miscellaneous Appeal is dismissed and the Judgment and Decree dated 31.03.2022 made in M.C.O.P.No.822 of 2017 on the file of the Motor Accident Claims Tribunal, the Principal District Judge, Puducherry is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

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

P.T.ASHA, J.,

ssn

To

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

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