



C.M.A.No.1135 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.1135 of 2015

The Managing Director,
Tamil Nadu State Transport
Corporation (VPM) Limited,
Kancheepuram Region,
Kancheepuram.

... Appellant

Vs.

1.Amutha
2.Rajeshkumar
3.Dhanalakshmi
4.Udayakumar

... Respondents

Prayer:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the decree and judgment dated 26.06.2013 made in M.C.O.P.No.210 of 2012 on the file of the Motor Accidents Claims Tribunal, Additional District Judge, Kancheepuram District at Chengalpattu and be pleased to dismiss the above claim as against the appellant.

For Appellant : Mr.K.J.Sivakumar
For Respondents : R1 to R4 – Not Ready Notice

J U D G M E N T

The respondent Transport Corporation before the Motor



C.M.A.No.1135 of 2015

Accidents Claims Tribunal is the appellant herein. This appeal has been filed seeking to set aside the judgment and decree dated 26.06.2013 passed by the Motor Accidents Claims Tribunal, Additional District Judge, Kancheepuram District at Chengalpattu, in M.C.O.P.No.210 of 2012.

2.The brief facts of the case is that on 01.08.2012, at about 6.30a.m., the deceased Santhanakumar was riding his two wheeler bearing Registration No.AP 03 J 2291 on the Uthiramerur – Maduranthakam road. While he was nearing Kammalampoondi Bazaar, the bus bearing Registration No.TN 21 N 0710 belonging to the appellant came from the opposite direction in a rash and negligent manner and dashed against the two wheeler, due to which, the deceased died on the way to hospital.

3.Thereafter, the dependants of the deceased Santhanakumar/ respondents filed claim petition before the Motor Accidents Claims Tribunal, claiming compensation of Rs.12 Lakhs. After adjudication, the Motor Accidents Claims Tribunal awarded a sum of Rs.8,91,920/- with interest at the rate of 7.5% p.a. from the date of petition till the date of realization and proportionate costs and directed the appellant



C.M.A.No.1135 of 2015

Transport Corporation to pay the compensation. Aggrieved by the same, the appellant Transport Corporation has filed this appeal.

4.The learned counsel appearing for the appellant submitted that due to the negligent driving of the motorcyclist, the accident happened, however, the appellant has filed this appeal questioning the quantum of compensation awarded by the Tribunal. The learned counsel further submitted that the Tribunal fixed the monthly income of the deceased at Rs.8,000/- and after deducting 1/3 for his personal expenses, awarded a sum of Rs.8,29,920/- for total loss of income by adopting multiplier method, which is highly excessive.

5.Heard the learned counsel appearing for the appellant. Though the appeal has been filed during the year 2015, till date, the appellant has not taken any steps to serve notice on the respondents. Considering the pendency of the appeal, this Court is inclined to proceed with the case and decide the same based on the materials available on record.

6.Admittedly, on 01.08.2012, at about 6.30 a.m., the deceased



C.M.A.No.1135 of 2015

Santhanakumar was riding his two wheeler on the Uthiramerur – Maduranthakam road and when he was nearing Kammalampoondi Bazaar, the bus bearing belonging to the appellant came from the opposite direction in a rash and negligent manner and dashed against the two wheeler, due to which, the deceased died on the way to hospital.

7.Ex.P.1 is the copy of F.I.R. and it has been registered as against the driver of the appellant's bus, death report is marked as Ex.P.2, post mortem certificate is marked as Ex.P.3. Inorder to prove the case, the first claimant examined herself as P.W.1 and eye witness was examined as P.W.2 After adjudication, the Tribunal fixed the liability as against the appellant, which warrants no interference.

8.This is a case of fatal accident. Though the claimants claim that the deceased was earning Rs.10,000/- per month and marked salary certificate as Ex.P6, the Tribunal has fixed only a sum of Rs.8,000/- as the monthly salary of the deceased and after deducting 1/3 for his personal expenses, awarded a sum of Rs.8,29,920/- for total loss of income by adopting multiplier method, which is just and reasonable.



C.M.A.No.1135 of 2015

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9.The amount awarded under the other heads namely, loss of love and affection – Rs.15,000/- each, funeral expenses – Rs.2,000/-, are also just and reasonable. Hence, the appeal is mis-conceived.

10.The civil miscellaneous appeal is dismissed. The judgment and decree dated 26.06.2013 passed by the Motor Accidents Claims Tribunal, Additional District Judge, Kancheepuram District at Chengalpattu, in M.C.O.P.No.210 of 2012, is confirmed. No costs.

11.The appellant/ Transport Corporation is directed to deposit the entire award amount before the Tribunal within a period of six weeks from the date of receipt of a copy of this judgment, less the amount if any, already deposited. On such deposit being made, the claimants/ respondents are permitted to withdraw their respective share as apportioned by the Tribunal, along with accrued interest and proportionate costs, on making proper and necessary application before the Tribunal.

30.10.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No

5/6



C.M.A.No.1135 of 2015

Internet: Yes/ No

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M.DHANDAPANI,J.
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To

- 1.The Motor Accidents Claims Tribunal,
Additional District Judge,
Kancheepuram District at Chengalpattu.

C.M.A.No.1135 of 2015

30.10.2023