



C.M.A.No.3342 of 2013

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 31.01.2023	Pronounced on 10.02.2023
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THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.3342 of 2013

and

M.P.No.1 of 2013

Tamilnadu State Transport Corporation Limited,
Rep. by its Managing Director
(Coimbatore Division II)
Erode - 2.

... Appellant

Vs.

1.Dhanalakshmi
W/o.Late Ponnusamy

2.Gowtham
S/o.Late Ponnusamy
(2nd Respondent declared as major and his
mother discharged from the natural guardianship
viz., Dhanalakshmi vide Court order
dated 22.03.2021 made in CMP.No.5264 of 2021
in CMA.No.3342 of 2013)

3.Minor Devaraj,
D/o.Late Ponnusamy
R3 Minor represented by natural guardian
and Mother R1 Dhanalakshmi



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4.Palanisamy

S/o.Ramasamy

5.Nallammal

W/o.Palanisamy

1 to 5 residing at D.No.13, Sathy Nagar,
Thindal Perivew, Thindal Post,
Erode taluk, Erode District.

6.Nandha Gopal

S/o.Ponnusamy

Pappichettipatty

Gobichettipalayam Post

P.R.Patty Taluk,

Dharmapuri District.

... Respondents

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 29.11.2011 made in MCOP.No.380 of 2010 on the file of Motor Accident Claims Tribunal (Principal District Judge), Erode District, Erode.

For Appellant : Mr.Murali Vinoth

For Respondents : Mr.M.Guruprasad
(for R1 to R5)

R6 - Given up



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JUDGMENT

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The Appeal has been filed against the Judgment and Decree dated 29.11.2011 made in MCOP.No.380 of 2010 on the file of Motor Accident Claims Tribunal (Principal District Judge), Erode District, Erode.

2.The Transport Corporation is the Appellant herein, challenging the award passed in MCOP.No.380 of 2010, on the file of Motor Accident Claims Tribunal (Principal District Judge), Erode District, Erode, on the ground of negligence and quantum. For the sake of convenience, the parties are referred to as per their ranking before the trial Court.

3.MCOP.No.380 of 2010 on the file of the Motor Accident Claims Tribunal (Principal District Judge), Erode District, Erode, has been filed by the claim Petitioners/legal representatives of the deceased viz., Ponnusamy, who died in a road traffic accident occurred on 14.03.2010.

4.During the trial, on the side of the claim Petitioner, PW1 to PW3 were examined, Ex.P1 to Ex.P.12 were marked and on the side of the Respondents,



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RW1 was examined and no document was marked.

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5.Heard the learned counsel for the Transport Corporation and the learned counsel for the claim Petitioners.

6.To prove the negligence, PW2 & PW3 were examined as occurrence witnesses. PW2 in his evidence categorically said that when he was proceeding on the Erode-Perundurai road near Sengodampalayam from East to West along with one Vinoth and Mohan, the 1st Respondent drove the bus bearing Reg. No.TN 33 N 2243, from East to West and came to the wrong side and thereby hit against the motor cycle bearing Reg. No.TN 34 E 7714, which came from the opposite direction and caused the accident. Per contra, the Transport Corporation has not chosen to examine the driver, who is the best witness. However, for the reasons best known, the driver of the Transport Corporation bus has not entered into the witness box, but the Conductor was examined as RW1. The trial Court on holding that the evidence of PW2 is clear and cogent and duly corroborated with the documentary evidences of Ex.P.1, Ex.P.2, Ex.P.3, Ex.P.4, Ex.P.5, & Ex.P.7 has come to the conclusion that the accident is



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happened due to the rash and negligent driving of the driver of the Transport Corporation. After going through the documentary evidences, Ex.P.1/Copy of FIR, Ex.P.7/Copy of charge sheet and Ex.P.2/rough sketch, I do not find any reasons to interfere such finding of the trial Court. Accordingly, the finding rendered by the Tribunal on the point of negligence is hereby confirmed.

7.On the point of quantum of compensation, after perusing Paragraph Nos.12 & 14 of the impugned order, I find that even though it is alleged that the deceased earned Rs.6,500/- per month and Rs.1,500/- towards batta and Rs.3,000/- towards brokerage, based upon Ex.P.11/salary certificate and Ex.12/income tax return, the tribunal has rightly fixed the income at Rs.4,000/- per month and applied right multiplier of "14" and fixed the loss of income at Rs.6,72,000/- and after adding amount towards conventional heads, the Tribunal arrived total compensation at Rs.7,47,000/-, which is just and fair.

8.Hence, I find that both findings rendered by the Tribunal on the point of negligence and quantum of compensation are just and proper. Therefore, there is no merit in this Appeal and the award passed by the Tribunal does not



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warrant any interference of this Court.

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9. Accordingly, the Appeal is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

10.02.2023

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order
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To

The Principal District Judge
Motor Accident Claims Tribunal
Erode District, Erode.



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RMT.TEEKAA RAMAN.J,

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Pre-delivery Judgment made in

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and

M.P.No.1 of 2013

Dated: 10.02.2023