



C.M.A.No.4750 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MR. JUSTICE D.BHARATHACHAKRAVARTHY**

**C.M.A.No.4750 of 2019
and
C.M.P.No.27187 of 2019**

The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram),
Vellore Region,
Vellore-9

... Appellant

Vs.

1. Pinki Devi,
W/o Late Aditya Rana
2. Minor Akshai Kumar,
rep. By his Natural Guardian
Mother- 1st respondent)
3. Tulasi Rana,
S/o Dukhan Rana
4. Saro Devi,
w/o Tulasi rana
5. Minor Ariyan Kumar,
(Rep.by his Natural Guardian



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mother - 1st respondent)

..Respondents

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Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1998 against the judgment and decree made in MCOP.No.172 of 2014 dated 28.01.2019 on the file of the Motor Accident Claims Tribunal – Special Subordinate Judge, Tirupattur.

For Appellant : Mr.C.R.Suresh Kumar

J U D G M E N T

This Civil Miscellaneous Appeal is directed against the fair and decretal order in M.C.O.P.No.172 of 2014 thereby awarding a total compensation of a sum of Rs.26,48,000/- to the respondents/claimants. Aggrieved by the same, the present Appeal is filed by the Transport Corporation.

2. The appeal is primarily filed on the ground that while arriving at the quantum, the age of the deceased was taken as 25. The respondents/claimants have not filed any proof whatsoever in respect of the age. When there is no proof filed, the Tribunal ought not to have taken the age as 25 and adopted 18 multiplier as per *Sarala Verma's case* [*Sarala Verma & other v. Delhi Transport Corporation & another*



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(2009(2) TNMAC 1 (SC))].

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3. We have considered the submissions made on behalf of the learned counsel for the appellant and perused the material records placed before us.

4. As a matter of fact, it could be seen that in the absence of any age proof adduced by both the parties, the trial Court went by the opinion of the postmortem doctor who has estimated the age. We see no contrary evidence let in by the appellant/respondent to dispute the age of the deceased. Therefore, no exception whatsoever can be taken for the Tribunal to have accepted the age as estimated by the doctor in the medical evidence.

5. In that view of the matter, we find no merits in the Civil Miscellaneous Appeal and the same stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(J.N.B,J.) (D.B.C, J.)

Index : Yes / No
Internet : Yes
vsi

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To

The Motor Accident Claims Tribunal –
Special Subordinate Judge, Tirupattur.



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J. NISHA BANU, J.
and
D.BHARATHA CHAKRAVARTHY,J.

vsi

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