



C.M.A.No.65 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.65 of 2023

and

C.M.P.No.595 of 2023

Tamil Nadu State Transport
Corporation (Salem-Division) Limited,
Represented by its Managing Director
No.12, Ramakrishna Road,
Salem – 636 007.

... Appellant

Vs.

1.Ellammal
2.Natarajan

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 02.12.2013 made in M.C.O.P.No.4961 of 2010 on the file of the Motor Accident Claims Tribunal, Special Subordinate Judge-1, Chennai.

For Appellant : Mr.D.Nithin

JUDGMENT

The Transport Corporation is the appellant herein.

2. Challenging the award passed by the tribunal in M.C.O.P.No.4961 of 2010, they have preferred this appeal.



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3. The respondents 1 & 2 are the parents of the deceased, N.Chidamabaram, a Bachelor, who, in a road accident, preferred the above M.C.O.P. claiming compensation of Rs.12 lakhs.

4. The Tribunal, after consideration the evidence of P.W.1 and P.W.2 and Exs.P1 and P8, came to the conclusion that the accident has taken place due to the rash and negligent driving of the driver of the Transport Corporation bus and held that the appellant/Transport Corporation is jointly and severally liable to pay the compensation and based upon Ex.P6 salary certificate and Ex.P8 Income Tax return, the loss of income was arrived at Rs.6000/- p.m including future prospectus and accordingly, the Tribunal awarded a total sum of Rs.5,28,000/- as compensation. The Tribunal fixed the compensation and pecuniary loss was ascertained based upon the Sarla Verma's case in AIR 2009 SC 3104, (Sarala Verma and others Vs.Delhi Transport Corporation) and deduction of 50% towards future prospects has also been made since the deceased died as a Bachelor. Hence I find that both the findings of the Tribunal are well found and well merited and on the point of quantum, I find that the award of Rs.5,28,000/- cannot be termed as excessive and it is a fair award.



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5. Accordingly, this Civil Miscellaneous Appeal is dismissed.

No costs. Consequently, connected C.M.P is closed.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation: Yes/No

To

1. The Motor Accident Claims Tribunal, Special Subordinate Judge-1,
Chennai.
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.



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