



C.M.A.(MD).No.539 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2023

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.M.A.(MD).No.539 of 2023

and

C.M.P.(MD).No.7001 of 2023

The Managing Director,
Tamil Nadu State Transport Corporation,
Karaikudi.

... Appellant

Vs.

1.Minor Jeevitha
through Guardian /Grand father Sethuraman.

2.Kaliammal

... Respondents

PRAYER: Civil Miscellaneous Appeal has been filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and award made in M.C.O.P.No.28 of 2017, dated 27.11.2017 on the file of the Motor Accident Claims Tribunal, Additional District Court, Paramakudi.

For Appellant : Mr.D.Sivaraman



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J U D G M E N T

Not satisfied with the quantum of compensation awarded by the Motor Accident Claims Tribunal, the present appeal has been filed by the Transport Corporation.

2. The brief facts leading to the filing of this appeal are as follows:

On 22.09.2016, at about 3.45 p.m., when the deceased was riding his motorcycle bearing Registration No.TN 65 Y 1621 from Paramakudi to Ulaiyur, the bus bearing Registration No.TN 63 N 0882 came in a rash and negligent manner and dashed against the two wheeler of the deceased. As a result, he succumbed to injuries and the crime also registered against the driver of the appellant /Transport Corporation bus. At the time of accident, he was aged about 38 years.

3. It is the stand of the appellant/Transport Corporation before the Tribunal that only the rider of the motorcycle drove the vehicle in a rash and negligent manner and dashed against the Transport Corporation bus.



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4. Before the Tribunal, on the side of the petitioner, P.Ws.1 and 2 were examined and Exs.P1 to P20 were marked and on the side of the respondents, R.W.1 was examined and Ex.R1 was marked.

5. On perusal of the evidence of the eye witnesses, the Tribunal has found that only the driver of the offending vehicle was negligent in driving the vehicle and fixed the notional income of the deceased at Rs.6,500/-, taking note of the fact that the deceased was working as a Carpenter and awarded a sum of Rs.13,15,480/- as compensation. Challenging the quantum of compensation, the present appeal has been filed.

6. I have perused the order of the Tribunal.

7. The contention of the learned counsel for the appellant that the Tribunal has granted a sum of Rs.1,00,000/- towards love and affection instead of Rs.40,000/-. This Court is of the view that though the Tribunal has granted excess compensation towards love and affection, considering the circumstances, the notional income fixed by the Tribunal is very low and the Tribunal ought to have given more.



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8. Considering the above, this Court do not interfere with the award passed by the Tribunal. Accordingly, the Civil Miscellaneous Appeal is dismissed and the appellant / Transport Corporation is directed to deposit the award amount within a period of one month from the date of receipt of a copy of this judgment. On such deposit, the claimants are permitted to withdraw their share as apportioned by the Tribunal. In respect of the minor claimant, the amount shall be deposited in a Nationalised Bank till she attains majority and the guardian is permitted to withdraw the interest once in three months. No costs. Consequently, the connected Miscellaneous Petition is closed.

21.06.2023

akv

To

The Motor Accident Claims Tribunal,
Additional District Court,
Paramakudi.



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N.SATHISH KUMAR,J.

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