



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.1905 of 2024

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Divisional Office,
Erode

... Appellant

.VS.

1.Jayapriya

2.Lakshmanna

3.Nagamma

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment dated 14.12.2022 made in MCOP No.925 of 2020, on the file of the Motor Accident Claims Tribunal, Additional District Court, Krishnagiri.

For Appellant : Mr.M.Murali Vinodh

For Respondents : Mr.S.P.Yuaraj

JUDGMENT

This appeal has been filed by the Transport Corporation challenging the Award passed by the Tribunal in MCOP No.925 of 2020, dated 14.12.2022.



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2.The claimants who are the wife and the parents of the deceased Madesh filed the claim petition on the ground that on 22.04.2018, the deceased Madesh was travelling in a car along with his friends and this car was driven by one Kumar. The car was proceeding at Palani-Pudutharapuram Road and at 16.30 hours when the car reached the scene of occurrence, the bus belonging to the appellant Corporation was driven in a rash and negligent manner and it dashed on the car resulting in the deceased Madesh and another person Arunkumar sustaining grievous injuries and both of them died on the spot. Based on the complaint given by the driver of the bus, an FIR came to be registered against the driver of the car in Crime No.77 of 2018. It is under these circumstances, the claim petition came to be filed by the legal representatives of the deceased Madesh in MCOP No.925 of 2020.

3.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the bus belonging to the appellant Corporation. The Tribunal having rendered the above findings proceeded to fix the total compensation at Rs.23,15,400/- under various heads as follows:



S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of Dependency	21,50,400
2.	Loss of Estate	16,500
3.	Funeral Expenses	16,500
4.	Loss of Consortium (Rs.44,000 x 3)	1,32,000
	Total	23,15,400

4.The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

5.The Transport Corporation questioning both the liability as well as the quantum of compensation fixed by the Tribunal has filed the present appeal before this Court.

6.Heard Mr.M.Murali Vinodh, learned counsel appearing on behalf of the appellant and Mr.S.PYuaraj, learned counsel appearing on behalf of the respondents.

7.This Court has carefully considered the submissions made on either side and also the materials available on record.

8.The learned counsel for the appellant submitted that there was negligence only on the part of the driver of the car and the same is evident from the FIR that was



registered against the driver of the car.

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9.The Tribunal while dealing with this stand taken by the appellant Corporation found that the version of the driver of the bus who was examined as RW1 was completely different from the version given in the complaint which resulted in the registration of the FIR by the police. The Tribunal found that the contradictions between both the versions was irreconcilable. As a result, the Tribunal came to a conclusion that a false complaint has been given by the driver of the bus only to escape from his liability.

10.The above finding of the Tribunal is sufficiently supported by reasons and such finding has been rendered after carefully considering the evidence of PW1, PW3 and RW1. Hence, this Court does not find any ground to interfere with the same.

11.The next issue is with regard to the quantum of compensation fixed by the Tribunal. In the instant case, the accident had taken place in the year 2019. The deceased was aged about 33 years. The Tribunal has fixed the notional monthly income at Rs.12,000/- and added 40% towards future prospects and thereafter, determined the compensation under the head of loss of income/dependency. The compensation fixed under this head is very reasonable and it does not require the interference of this Court.



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11.The compensation that has been fixed under the other heads are also reasonable and it does not warrant the interference of this Court.

12.In the light of the above discussion, the award passed by the Tribunal is confirmed and accordingly, this civil miscellaneous appeal stands dismissed. There shall be a direction to the Transport Corporation to deposit the entire compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of six weeks from the date of receipt of this judgement. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. No Costs. Consequently, connected miscellaneous petition is closed.

01.08.2024

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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N. ANAND VENKATESH., J

SSR

To

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

CMA No.1905 of 2024

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