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Civil Miscellaneous Appeal No.1209 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Civil Miscellaneous Appeal No.1209 of 2024

The Managing Director,
Tamil nadu State Transport Corporation,
Ramakrishna Road, Salem – 636 007
Appellant

...

Vs.

1. Nasreen

2. Minor Yasmin

3. Minor Rehman Ahamed

[Minor Nos.2 and 3 represented by her guardian
mother/Next Friend No.1, Nasreen)

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgement and decree passed in M.C.O.P.No.1038 of 2021 passed by the Motor Accident Claims Tribunal, Special District Court, Salem on 14.12.2022.

For Appellant : Mr.D.Nitin

For Respondents : M/s.M.Mohammed Riyaz



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JUDGMENT

The Transport corporation aggrieved by the award passed by the Motor Accidents Claims Tribunal, Special District Court, Salem in MCOP No.1038 of 2021 dated 14.12.2022, has filed this appeal.

2. The claimants, who are the wife and Children of the deceased Faiyaz Ahamed, filed the claim petition on the ground that the deceased was riding a two wheeler on 19.02.2021 and when he approached the place of occurrence at about 15.30 hours, the bus belonging to the respondent corporation was driven in a rash and negligent manner and it dashed on the two wheeler and as a result, the deceased was thrown out of the vehicle and he succumbed to the injuries on 22.02.2021. An FIR came to be registered in Crime No.42 of 2021 against the driver of the Transport corporation. It is under these circumstances, the claim petition came to be filed seeking for payment of compensation by the transport corporation.

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 solely due to the rash and negligent driving on the part of the bus driver. Having rendered such a finding, the Tribunal proceeded to fix the compensation and the total compensation was fixed at Rs.22, 75,400/- under various heads as follows :-

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of dependency	Rs.21,50,400/-
2.	Loss of estate	Rs. 25,000/-
3.	Funeral expenses	Rs. 25,000/-
4.	Loss of Consortium	Rs. 75,000/-
	Total	Rs.22,75,400/-

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

4. The Transport corporation not being satisfied with the quantum of compensation fixed by the Tribunal and the multiplier that was adopted by the Tribunal while calculating loss of dependency has filed the present appeal before this Court.

5. Heard Mr.D.Nitin, learned counsel for appellant/Transport



Corporation and M/s.M.Mohammed Riyaz, learned counsel for respondents/claimants.

6. This Court carefully considered the submissions made on either side and the materials available on record.

7. This Court also carefully went through the award passed by the Tribunal.

8. The Tribunal had adopted 16 multiplier in this case by taking into consideration the driving license which was marked as Ex.P11 which showed that the date of birth of the deceased was 16.03.1985. The deceased died on 22.02.2021 and he had merely completed 35 years and was falling short of 36 years. Considering the completed age, the Tribunal had fixed the 16 Multiplier.

9. This Court does not find any ground to interfere with such finding rendered by the Tribunal and the same is hereby confirmed.



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10. The compensation that has been fixed under the various heads are reasonable and it does not require the interference of this Court.

11. In the result, this Civil Miscellaneous petition is dismissed and the appellant / Transport Corporation is directed 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 four weeks from the date of receipt of this judgment. No costs.

11.06.2024

Speaking Judgment/Non-speaking Judgment

Index :Yes/No

Neutral citation: Yes/No

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To, The Motor Accident Claims Tribunal, Special District Court, Salem

N.ANAND VENKATESH.,J

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