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Civil Miscellaneous Appeal No.1478 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Civil Miscellaneous Appeal No.1478 of 2024

and

C.M.P.No.12869 of 2024

The Managing Director,
The Tamil Nadu State Transport Corporation
Coimbatore Limited,
Tirupur Division,
Coimbatore.

... Appellant

Vs.

1.Punitha

2.Rajkumar

3.Jeyaprakash

4.Senthil Murugan
S/o.Subbiah

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 14.03.2022 made in M.C.O.P.No.831 of 2019 on the file of Motor Accident Claims Tribunal, Tiruppur.

For Appellant : Mr.C.Gauthamaraj

For Respondents : Mr.S.Nagarajan [R1 to R3]

JUDGMENT



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The appellant transport corporation, questioning the quantum of compensation awarded by the Motor Accident Claims Tribunal, Tiruppur, in M.C.O.P.No.831 of 2019, dated 14.03.2022, has filed this appeal.

2. The claimants, who are the wife and children of the deceased Damodarasamy, filed the claim petition before the Tribunal on the ground that the deceased was crossing the road on 29.07.2018 at Udumalai - Palladam Road and at that point of time, the bus belonging to the appellant transport corporation was driven in a rash and negligent manner and it dashed on the deceased, as a result of which the deceased died. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking compensation.

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 bus belonging to the appellant transport corporation. Having rendered the above finding, the Tribunal proceeded to fix the total compensation at Rs.10,99,672/- under various heads as follows:



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<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of dependency	10,29,672/-
2.	Loss of consortium	40,000/-
3.	Loss of estate	15,000/-
4.	Funeral expenses	15,000/-
	Total	10,99,672/-

The above compensation was directed to be paid along with interest at 7.5% p.a.

4. The appellant transport corporation, challenging the quantum of compensation awarded by the Tribunal, has filed the present appeal.

5. Heard Mr.C.Gauthamaraj, learned counsel for appellant transport corporation and Mr.S.Nagarajan, learned counsel for respondents 1 to 3.

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 main ground urged by learned counsel for appellant is with



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regard to the notional monthly income fixed by the Tribunal at Rs.13,000/-. The accident had taken place on 29.07.2018 and the deceased was aged about 57 years and he was working as a laborer. The Tribunal has fixed the notional monthly income at Rs.13,000/-. This Court does not find the same to be unreasonable. The compensation awarded by the Tribunal is very reasonable and it does not warrant the interference of this Court.

9. The appellant transport corporation is directed to deposit the compensation awarded by the Tribunal, 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 judgment. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

In the result, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

02.07.2024

Speaking Judgment/Non-speaking Judgment
Index : Yes/No



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Neutral citation: Yes/No
gm

To

The Motor Accident Claims Tribunal,
Tiruppur.

N.ANAND VENKATESH, J.

gm



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