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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.1702 of 2024
and CMP No.13567 of 2024

The Managing Director,
Tamil Nadu State Transport Corporation (Coimbatore) Division I,
37, Mettupalayam Road, Coimbatore.

... Appellant

.vs.

1.Lakshmi
W/o.Shanmugam

2.Manikandan
S/o.Shanmugam

3.Lakshmi
W/o.Late.Govindarajan

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the Award dated 25.01.2023 made in MCOP No.6 of 2018 on the file of the Presiding Officer, Exclusive Motor Accident Claims Tribunal, Tirupur.

For Appellant : Mr.M.Murali Vinodh

For Respondents : Mr.M.Lokesh
for R1 to R3



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JUDGMENT

The Transport Corporation has filed the present appeal against the Award passed by the Tribunal in MCOP No.6 of 2018 dated 25.01.2023.

2.The claimants who are the wife and children of the deceased Shanmugam filed the claim petition on the ground that on 10.10.2017, the deceased Shanmugam was riding a two wheeler at Peramanallur-Tiruppur Main Road and at about 14.45 hours, the bus belonging to the Transport Corporation was driven in a rash and negligent manner and it hit the two wheeler from behind. As a result, the deceased was thrown out of the vehicle and he sustained fatal injuries and he succumbed to the injuries. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of 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 driver of the offending vehicle. Having come to such a conclusion, the



Tribunal fixed the total compensation payable at Rs.19,64,000/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of dependency	17,55,000
2.	For Funeral Expenses	16,500
3.	For Loss of Estate	16,500
4.	For Loss of Consortium	1,76,000
	Total	19,64,000

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

5.The Transport Corporation aggrieved by the quantum of compensation fixed by the Tribunal has filed the present appeal.

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



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8. In the considered view of this Court, the Tribunal has fixed a very reasonable compensation in this case under various heads and the same is not liable to be interfered by this Court.

9. 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.

18.07.2024

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
ssr



To

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The Presiding Officer, Exclusive Motor Accident Claims Tribunal, Tirupur.



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N. ANAND VENKATESH., J

SSR

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