



Civil Miscellaneous Appeal No.1161 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Civil Miscellaneous Appeal No.1161 of 2024
and
C.M.P.No.10489 of 2024

The Managing Director,
Tamil Nadu State Transport Corporation,
No.12, Ramakrishna Road,
Salem - 7.

... Appellant

Vs.

1.Akilandam
S/o.Dhandapani

2.Sridevi
D/o.Dhandapani

3.Nithya
D/o.Dhandapani

4.Sathguru
S/o.Dhandapani

5.Saranya
D/o.Dhandapani

6.Shagana
D/o.Dhandapani

7.Prabhakaran
S/o.Rajaram

... Respondents



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Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed by Motor Accident Claims Tribunal, Special District Court, Villupuram, in M.C.O.P.No.126 of 2019, dated 06.03.2023.

For Appellant : Mr.D.Nitin

JUDGMENT

The transport corporation has filed the present appeal challenging the award passed by Motor Accident Claims Tribunal, Special District Judge, Villupuram, in M.C.O.P.No.126 of 2019, dated 06.03.2023.

2. The claimants are the wife, daughters and son of the deceased Dhandapani. The case of the claimants is that the deceased Dhandapani was travelling in a car along with four others on 22.04.2018 at Vadachandur - Dindugul road and at about 4.15 a.m., when the car was approaching the road opposite to Peace College, the offending vehicle belonging to the appellant transport corporation was driven in a rash and negligent manner and dashed the car, as a result of which the deceased sustained severe head injuries and unfortunately, he succumbed to the



injuries. It is under these circumstances, the claim petition came to be filed 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 categorical conclusion that the accident had taken place due to the rash and negligent driving of the bus belonging to the appellant transport corporation. Having rendered such a finding, the Tribunal fixed the compensation at Rs.10,26,000/- 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	7,56,000/-
2.	Loss of love and affection	2,40,000/-
3.	Loss of articles	15,000/-
4.	Funeral expenses	15,000/-
	Total	10,26,000/-

The above compensation was directed to be paid by the appellant transport corporation with interest at the rate of 7.5% p.a.

4. The appellant transport corporation, aggrieved by the quantum of compensation fixed by the Tribunal, has filed this appeal.



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5. Heard Mr.D.Nitin, learned counsel for appellant transport corporation.

6. This Court carefully considered the submissions made by learned counsel for appellant transport corporation and the materials available on record.

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

8. The main contention that was raised by learned counsel for appellant transport corporation was that the deceased was an agriculturist and he was aged about 61 years at the time of accident and the Tribunal had fixed the notional monthly income at Rs.12,000/-. This according to the learned counsel for appellant transport corporation is on the higher side. It was further contended that the Tribunal had only deducted 1/4 towards the personal expenditure of the deceased in a case where the daughters of the deceased were all major and were aged more than 25 years. The son was aged about 33 years. Therefore, it was submitted that



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the Tribunal ought to have deducted $\frac{1}{2}$ or at least $\frac{1}{3}$ towards the personal expenditure of the deceased.

9. In the considered view of this Court, the notional monthly income fixed by the Tribunal is quite reasonable and it does not require the interference of this Court. In the instant case, there are multiple claimants and majority of them are daughters of the deceased. Therefore, there is nothing wrong in deducting $\frac{1}{4}$ towards the personal expenditure of the deceased. The compensation that has been fixed under various heads is also reasonable and it does not require the interference of this Court.

10. In the light of the above discussion, this Court does not find any ground to interfere with the award passed by the Tribunal and the same is hereby confirmed.

In the result, this Civil Miscellaneous Appeal is dismissed. The appellant transport corporation is directed to deposit the compensation awarded by the Tribunal, less the amount already deposited, together



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N.ANAND VENKATESH, J.

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with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of six (6) 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. No costs. Consequently, connected miscellaneous petition is closed.

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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,
Villupuram.

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