



C.M.A..(MD)No.1715 of 2008

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED **08.03.2024**

CORAM

THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

C.M.A.(MD)No.1715 of 2008

Rajaguru

...Appellant

/Vs./

1.The General Manager,
Tamilnadu State Transport Corporation Ltd.,
6/337, Madurai Road,
Virudhunagar Division,
Virudhunagar District.

2.C.Karuppiah

3.The Branch Manager,
Oriental Insurance Company Ltd.,
Sri Nataraja Complex,
127/B, Madurai Road,
Virudhuangar District.

4.R.Sundaraj

5.Vijayalakshmi

...Respondents

Prayer: Appeal - filed under Section 173 of the Motor Vehicles Act, 1988, to allow the appeal by enhancing the award dated 09.08.2008 made in MCOP No. 21 of 2007 on the file of the Motor Accidents Claims Tribunal, Sub Court, Virudhunagar.



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For Appellant : No appearance

For Respondents : Mr.K.Sudalayandi (R1)

Dispensed with (R2 & R3)

No appearance (R4 & R5)

JUDGMENT

This appeal has been filed by the claimant seeking enhancement of the award dated 09.08.2008 passed by the Motor Accidents Claims Tribunal, Sub Court, Virudhunagar in MCOP No.21 of 2007.

2. The brief facts of the case are as follows:-

(i) When the deceased / wife of the claimant was travelling from Madurai to Trichy by the Tamilnadu State Transport Corporation bus bearing No.TN-67-N-0358, a Tractor bearing Registration No. TN-51-W-8119, dashed against the bus, by which, the wife of the claimant died on 19.07.2006. Hence, the husband of the deceased filed a claim petition in MCOP No.21 of 2007 seeking compensation amount.

(ii) The State Transport Corporation filed a counter denying all the averments and stated that the accident was happened only due to the rash and negligent driving of the driver of the Tractor.



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WEB COPY **3.** Before the Tribunal, on the side of the claimant / husband of the deceased, P.W.1 and P.W.2 were examined and Ex.P1 and P2 were marked and on the side of the respondents, R.W.1 and R.W.2 were examined and Ex.R1 and R2 were marked.

4. The Tribunal, after considering oral and documentary evidence available on record, found that the accident was happened due to the rash and negligent driving of the State Transport Bus Driver and awarded a compensation of Rs.10,000/- to the claimant / husband of the deceased and Rs. 13,000/- each to the parents of the deceased, with the interest at 7.5% from the date of the petition. The claimant / husband of the deceased filed this appeal seeking enhancement of the compensation award.

5. The appellant, who is the claimant, filed this appeal raising various grounds stating that the Tribunal erred in adopting the multiplier '10' in computing compensation and the Tribunal also erred in apportionment of the compensation between the appellant and the respondents 4 and 5.



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6. The learned counsel appearing for the State Transport Corporation submits that the first respondent deposited the entire award amount along with interest and he has also made an endorsement to that effect.

7. Heard the learned counsel appearing for the first respondent Transport Corporation. There is no representation for the appellant / claimant / husband of the deceased and the respondents 4 and 5 / parents of the deceased.

8. On perusal of the entire records, it is seen that the Tribunal, only after considering all the evidence available on record, adopted the multiplier in awarding the compensation. There is no evidence to prove that the deceased was earning and therefore, the Tribunal is right in adopting the multiplier. Further, the Tribunal has rightly apportioned the compensation amount and hence, there is no infirmity in the order passed by the Tribunal.

9. It is seen that the State Transport Corporation has deposited the entire award amount along with interest. Hence, this Civil Miscellaneous Appeal is dismissed. The appellant and the respondents 4 and 5 are permitted to withdraw their share as apportioned by the Tribunal, less the amount, if any,



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already withdrawn, by making necessary application before the Tribunal. No

costs.

08.03.2024

NCC : Yes/No

Index : Yes/No

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TO:-

1.The Motor Accidents Claims Tribunal, Sub Court, Virudhunagar.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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V.BHAVANI SUBBAROYAN, J.

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Judgment made in
C.M.A.(MD)No.1715 of 2008

Dated:
08.03.2024