



C.M.A(MD)No.894 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2024

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THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.894 of 2021

and

C.M.P.(MD)No.8417 of 2021

The Managing Director,
Tamilnadu State Transport Corporation,
Pudukottai.

... Appellant

Vs.

1.Balasubramanian
2.Senthamaraiselvi
3.Veeramanikandan

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, as against the order passed in M.C.O.P.No.753 of 2018, dated 18.09.2020, on the file of the MACT (Additional District Judge and Special Judge), Pudukottai.

For Appellant : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.T.Jeen Joseph

JUDGEMENT

The Transport Corporation has filed this Civil Miscellaneous Appeal.

2. It is a case of fatal. The only contention of the Transport Corporation is



that even though the deceased is M.B.A., qualified person, it is an admitted fact by the claimant that the deceased was not working. But this plea of the Transport Corporation was refuted by the respondents stating that the deceased was a M.B.A., graduate and was working in a company. But after the demise of the deceased mother, the deceased was taking care of his own family business assisting the father. The Transport Corporation had not let in any evidence to prove otherwise. Therefore, the plea of the Transport Corporation cannot be accepted.

3. The Tribunal has fixed Rs.15,000/- as income and the same cannot be found fault with because the minimum notional income is fixed as Rs.8,000/- and for Painter, Mason, etc., it is fixed as Rs.12,000/-. Further the fixation ought to be based on age factor also. In the present case, the age of the deceased was 32. Therefore, the same cannot be found fault with.

4. The Transport Corporation submitted that the claimant had not let in any evidence that the deceased was receiving any salary from the family business and on perusal it is seen that the Transport Corporation is right in stating that the claimants have not filed any proof that the deceased was getting salary from their family business. Therefore, this Court is deducting Rs.86,000/- from the total



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compensation amount of Rs.20,86,000/-. Hence, the total compensation amount is reduced as Rs.20,00,000/-. The appellant is directed to deposit the reduced compensation amount of Rs.20,00,000/- with 7.5% interest and costs within a period of eight weeks from the date of receipt of copy of this judgment, less the amount, if any already deposited. On such deposit, the respondents / claimants are entitled to get their shares as per the apportionment fixed by the Tribunal, less the amount, if any already withdrawn, without filing any application before the Tribunal.

5. With the above said modification, the Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

30.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

1.MACT (Additional District Judge and Special Judge),
Pudukottai.

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



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S.SRIMATHY, J.

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