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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No. 1229 of 2016

and

C.M.P(MD)No. 10655 of 2016

The Managing Director,
Kerala State Road Transport Corporation Fort,
Trivandrum,
Kerala State.

...Appellant

Vs.

1. Vijayan
2. Lalitha
3. Vincent
4. Ravikumar

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, to set aside the Fair and Decretal order, dated 08.08.2012 made in M.C.O.P.No.30 of 2009 on he file of the Motor Accident Claims Tribunal (Sub Court), Kuzhithurai.

For Appellant : M/s.S.Srinivasa Raghavan

For Respondents : Mr.C.K.M.Appaji

JUDGEMENT

The Transport Corporation has filed this Civil Miscellaneous Appeal to set aside the Fair and Decretal order, dated 08.08.2012 made in



M.C.O.P.No.30 of 2009 on the file of the Motor Accident Claims Tribunal/Sub
Court, Kuzhithurai.

2. It is a case of fatal. The contention of the Insurance Company is that the Tribunal has fixed the notional income of the deceased as Rs.5,000/-, which is on the higher side. As per *Syed Sadiq's case* the notional income ought to be fixed as Rs.6,500/- for the accident happened in the year 2008. In the present case, the accident happened in the year 2009. Therefore, the Tribunal has rightly fixed the notional income of the deceased is Rs.5,000. Therefore, this Court is not inclined to entertain this Civil Miscellaneous Appeal.

3. Accordingly, this Civil Miscellaneous Appeal stands dismissed.
No Costs. Consequently, connected miscellaneous petition is closed.

18.04.2024

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

1. The Motor Accident Claims Tribunal/
Sub Court, Kuzhithurai.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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Order made in
C.M.A(MD)No. 1229 of 2016

18.04.2024