



C.M.A(MD)No.1151 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.1151 of 2021

and

C.M.P.(MD)No.11071 of 2021

The General Manager,
Tamil Nadu State Transport Corporation,
Bye Pass Road,
Madurai.

... Appellant/Respondent

Vs.

T.Muthulakshmi

... Respondent/Petitioner

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the order, dated 06.03.2021, passed in M.C.O.P.No.46 of 2018 on the file of the Motor Accident Claims Tribunal (Principal Sub Court), Srivilliputhur.

For Appellant : Mr.K.Sudalaiyandi
For Respondent : Mr.M.Thirunavukarasu

JUDGEMENT

This appeal is filed by the Transport Corporation against the award passed by the Tribunal.

2. The nature of accident as stated in the order is that the deceased who was driving a two-wheeler from north to south and was trying to cross the east west road. The TNSTC Bus was plying from west to east. The bus ought to have kept on



C.M.A(MD)No.1151 of 2021

the left side, but the TNSTC Bus has taken the wrong side and hit the two-wheeler and the person died on the spot. Taking the nature of accident, the Tribunal has awarded Rs.18,99,400/- (Rupees Eighteen Lakh Ninety Nine Thousand and Four Hundred only). The contention of the Transport Corporation is that since the deceased is a bachelor, the Tribunal ought to have deducted 50% towards the personal expenses of the deceased.

3. However the learned Counsel for the Respondent relied on the judgment of the Hon'ble High Court in the case of *Royal Sundaram Alliance Insurance vs K.Rukmani* reported in 2020(1) TN MAC 94(DB), the Hon'ble Division Bench in *Sarla Verma & Others vs. Delhi Transport Corp.& Another* reported in (2009 ACJ 1298) and submitted that the Hon'ble Supreme Court as well as the Hon'ble Division Bench has categorically held that if the claimant is widowed mother then only 1/3rd ought to be deducted towards the personal expenses of the deceased. Therefore, the contention of the appellant is declined.

4. The next contention of the appellant is that the deceased person was not wearing helmet. It is seen from the record that the appellant has raised such contention, but he has failed to elicit the evidence during the trial and there is no



C.M.A(MD)No.1151 of 2021

conclusive proof that the deceased was not wearing helmet. Therefore, this contention is also declined.

5. The next contention of the appellant is that the Tribunal granted attendant charges and transport charges and the same cannot be granted since the deceased person died after three days. Therefore, this Court is inclined to interfere only to the extent of granting attendant charge and transport charge of Rs.5000/- (Rupees Five Thousand only) and Rs.10,000/- (Rupees Ten Thousand only) respectively. The other compensation under various head are confirmed. Therefore, there is (*) reduction to the tune of Rs.15,000/- (Rupees Fifteen Thousand only). (*)Accordingly, the respondent/claimant is entitled to a sum of Rs.18,84,400/- (Rupees Eighteen Lakhs Eighty Four Thousand and Four Hundred only) [Rs. 18,99,400/- – Rs.15,000/-] with interest at the rate of 7.5% per annum. The appellant Transport Corporation is directed to deposit the entire award amount with accrued interest, less the amount already deposited, if any, within a period of 12 (twelve) weeks from the date of receipt of a copy of this judgment. On such deposit, the respondent/claimant is permitted to withdraw the same as per law.



C.M.A(MD)No.1151 of 2021

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6. With the above said modification, this Criminal Miscellaneous Petition is party allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

(*) Word is omitted as Per order dated 05.06.2024 in C.M.A(MD) No.1151/2021.

(*)(*)Amended as per the order of this court dated 19/06/2024 made in CMA(MD)No.1151 of 2021

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2024

Sub Assistant Registrar(CS)

jbr

To

(*)To be substituted the order already depatched on 05/06/2024

To

1. The Principal Sub Judge,
Motor Accident Claims Tribunal,
Srivilliputhur.

2. The Chief Judicial Magistrate,
Motor Accident Claims Tribunal,
Srivilliputhur.

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/S.M.THIRUNAVUKKARASU, Advocate (SR-610 dated 08/01/2024)

<https://www.mhccn.gov.in/judis>



C.M.A(MD)No.1151 of 2021

+1 CC to M/s.K.SUDALAIYANDI, Advocate (SR-708 dated 08/01/2024)

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C.M.A(MD)No.1151 of 2021

08.01.2024

PR(05.06.2024) 5P 6C

MGJ(02.07.2024) 5P 7C

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