



CMA(MD).No.231 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

C.M.A. (MD).No.231 of 2023

and

C.M.P. (MD).No.2705 of 2023

The State Express Transport Corporation Limited,
through its Managing Director,
Pallavan Salai,
Chennai - 600 002.

... Petitioner

Vs

1. J.Rajalakshmi,
2. Minor.J.Shipani,
3. Minor.J.Sudhrshini,
4. Minor.J.Siddharth,

(Minor Respondents 2 to 4 are represented through
their mother/natural guardian the first respondent J.Rajalakshmi)

5. M.Malliga,
6. V.Janakiraman,

... Respondents

(The 6th Respondent is the driver of the appellant and that given up)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the
Motor Vehicles Act to allow this appeal, set aside the award and decree



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made in MCOP.No.2283 of 2017, dated 15-03-2022, on the file of the Motor Accident Claims Tribunal District and Sessions Judge Communal Clash Cases Court, Madurai.

For Appellants : Mr. P.Prabhakaran

For R1 to R5 : M/s.N.Juliet Latha

R6 : Given up

JUDGMENT

The Transport Corporation has preferred this appeal. It is a case of fatal.

2.The contention of the Transport Corporation is that the deceased while driving the two-wheeler first had hit private bus and fell near the Transport Corporation Bus and thereafter the Transport Corporation Bus ran over him and the deceased died on the spot. The contention of the Transport Corporation is that even in the FIR, it has been stated that the private bus is also involved in the accident, but the claimant has not impleaded the private bus for contesting the case.



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3. Considering the above, this Court is inclined to set aside the order and remit the matter back to the Tribunal.

4. The next contention is that the Tribunal has taken the notional salary of the deceased by taking the salary, which would be drawn in Saudi Arabia. But the said salary cannot be taken for calculating the compensation, since the deceased died in India and the notional income to the Indian standard ought to be taken. The issue of fixing salary is left open and this Court is not expressing any opinion on the same. The parties are at liberty to raise this plea and produce any relevant judgment to this effect before the Tribunal.

5. With this observation, this civil miscellaneous appeal is allowed as stated supra. No Costs. Consequently, the connected civil miscellaneous petition is closed.

12.03.2024

Index : yes / No
Internet : yes / No
LR



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Note: Issue Order copy on 25.03.2024

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To

The Motor Accident Claims Tribunal District
and Sessions Judge Communal Clash Cases Court,
Madurai.

Copy to
The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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