

C.M.A.No.3362 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 04.02.2025

CORAM:
THE HON'BLE MR.JUSTICE R.SURESH KUMAR
AND
THE HON'BLE DR.JUSTICE A.D.MARIA CLETE

C.M.A. No. 3362 of 2013

The Managing Director,
Karnataka State Road Transport Corporation Limited,
R.H. Road,
Bangalore – 560 027.

... Appellant

Versus

Sri. N. Rajeswara Rao

... Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Judgment and Decree dated 14/08/2012 passed in M.C.O.P. No.121 of 2008 on the file of the Motor Accident Claims Tribunal, Salem (Sub-Ordinate Judge) at Hosur.

For Appellant : Mr. T. Thiyagarajan

For Respondent : Mr. M. Venkatesh,

for Mr. R. Jayaprakash

J U D G M E N T



C.M.A.No.3362 of 2013

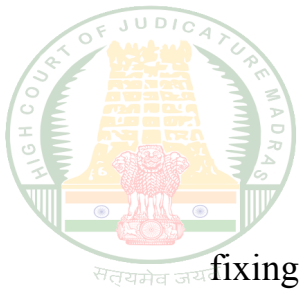
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(This Judgement was delivered by Dr. A.D. Maria Clete, J.)

1. The appellant, a transport corporation, has filed this appeal challenging the quantum of compensation awarded by the Motor Accident Claims Tribunal (Subordinate Judge) in M.C.O.P. No. 121 of 2008.

2. The learned counsel for the Appellant contended that the Tribunal failed to consider the salary details correctly. The salary slip marked as Ex.P6 showed that the deceased was earning Rs. 22,000/- per month at the time of appointment. However, the Tribunal fixed the deceased's salary at only Rs. 11,000/-, which was half of the actual amount stated in the salary slip. The deceased was employed in a private company, but the author of Ex.P6 was not examined, leading to an arbitrary determination of Rs. 11,000/- as the salary.

3. Furthermore, it was submitted that the deceased had joined employment on 09.01.2007 and left on 08.05.2007, drawing a salary of Rs. 9,000/- per month before the accident. The appellant contended that



C.M.A.No.3362 of 2013

WEB COPY

fixing the salary at Rs. 11,000/- was unreasonable. We are unable to accept the contention raised on the petitioner's side for the reason that the Tribunal has fixed the salary based on the appointment order dated 6.1.2007 of the deceased which mentions the salary of the deceased as Rs.22000/-and therefore on the deceased joining the petitioner organisation on 9.1.2007 the salary could not have got abruptly reduced from Rs. 22,000/- to Rs. 9,000/-. Thus, the Tribunal's fixation of Rs. 11,000/- as the monthly salary is reasonable and requires no modification.

4. The appellant has stated that the deceased's parents were not impleaded as legal heirs and that this omission suppressed crucial facts to obtain undue benefits. It was also noted that the deceased's husband had remarried and was earning Rs. 40,000/- per month, negating any question of dependency. The learned counsel for the respondent stated that the parents are no longer alive, making the dependency issue irrelevant.

5. The appellant further claimed that negligence was attributed solely to the driver of their vehicle, while the insurer of the TATA Sumo



C.M.A.No.3362 of 2013

WEB COPY

involved in the accident was not impleaded. On the question of negligence, the Tribunal had thoroughly examined the evidence and determined that the bus driver was at fault. The TATA Sumo driver had sustained injuries and had complained, leading to an FIR against the bus driver. We find no reason to interfere with the Tribunal's findings and Award.

6. Accordingly, the Civil Miscellaneous Appeal is dismissed, and the Tribunal's Award dated 14.08.2012 in M.C.O.P. No. 121 of 2008 is confirmed and the Appellant is directed to deposit the entire Award amount with accrued interest within 4 weeks from the date of receipt of order if not yet deposited. There shall be no order as to costs.

(R.S.K.,J.)

(A.D.M.C.,J.)

04.02.2025

Index : Yes/No

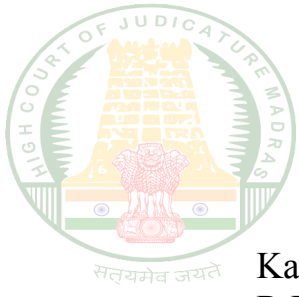
Speaking Order : Yes/No

Neutral Case Citation : Yes/No

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To

1. The Motor Accident Claims Tribunal, Salem,
(Sub-Ordinate Court) Hosur.
2. The Managing Director,



C.M.A.No.3362 of 2013

WEB COPY

Karnataka State Road Transport Corporation Limited,
R.H. Road, Bangalore – 560 027.

3.The Section Officer, V.R. Section, High Court of Madras.



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C.M.A.No.3362 of 2013

R.SURESH KUMAR, J.

and

A.D.MARIA CLETE, J.

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C.M.A.No.3362 of 2013

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