
(2009) 01 SC CK 0081

In the Supreme Court Of India

Case No : Civil Appeal No. 395 of 2009 (Arising out of SLP (C) No. 13776 of 2007)

Managing Director, TNSTC

APPELLANT

Vs

Suguna and Others

RESPONDENT

Date of Decision : 23-01-2009

Acts Referred:

Motor Vehicles Act, 1988 — Section 166

Citation : (2009) 2 AWC 1212 Supp : (2009) 1 JT 615 : (2009) 4 KarLJ 337 : (2009) 3 LW 196 : (2009) 154 PLR 501 : (2009) 1 SCALE 11 : (2009) 4 SCC 255 : (2009) 1 SCR 549 : (2009) 1 UC 484

Hon'ble Judges : Asok Kumar Ganguly, J;Arijit Pasayat, J

Bench : Division Bench

Advocate : R. Nedumaran, P. Somasundaram and T. Harish Kumar, for the Appellant; Girish Anantmurthy, Vaijayanti Girish and P.P. Singh, for the Respondent

Final Decision : Dismissed

Judgement

Arijit Pasayat, J.—Leave granted.

2. Challenge in this appeal is to the order passed by a learned Single Judge of the Karnataka High Court allowing the appeal filed by the claimants-respondents. Background facts in a nutshell are as follows:

On 19.3.1998 a bus owned by the appellant-corporation was plying between Erode to Mysore via Nanjangud. At about 8.15 p.m. one Jayasheela (hereinafter referred to as the 'deceased') who was driving two wheeler sustained injuries, because the bus dashed against the deceased who died on the spot. Respondent No. 1 the widow of the deceased and his two minor children filed a Claim Petition claiming compensation in terms of Section 166 of the Motor Vehicles Act, 1988 (in short the 'Act'). Appellant filed its objections denying the liability and took the stand that the accident occurred because of the negligence on the part of the deceased. The first Additional Civil Judge (Sr. Division) and Motor Accidents

Claim Tribunal, Mysore (in short the 'MACT') awarded a sum of Rs. 1,83,500/- as compensation alongwith 6% interest from the date of filing the Claim Petition.

Questioning quantum of the compensation, respondents Nos. 1, 2 and 3 filed an appeal before the High Court. The High Court fixed the quantum at Rs. 4,05,500/- with interest at the rate of 6% as was directed by the MACT.

3. Learned Counsel for the appellant-Corporation submitted that no basis has been indicated for awarding the compensation. By a practically non- reasoned order, appeal has been disposed of.

4. Learned Counsel for the respondents, on the other hand, submitted that though the judgment is not very elaborate, yet the basis can be found out from the impugned order. In the normal course in a case where an appeal has been disposed of by a practically non reasoned order, the matter is remitted for fresh consideration. But considering the passage of time and the limited nature of the controversy with the assistance of learned Counsel for the parties, we have gone through the records. The accident took place on 19.3.1998. The deceased according to the post mortem report was aged about 24 years. Though it was claimed that he was getting salary of Rs. 2,500/- p.m., there was no evidence adduced to substantiate the claim. The MACT noticed that no evidence was adduced to substantiate the income and, therefore, notional income of Rs. 1,500/- p.m. was fixed. One- third was deducted for personal expenses. The High Court did not indicate any reason to fix the income at Rs. 2,500/- p.m. though it deducted one-third for personal expenses.

5. In the aforesaid background, the amount of compensation is fixed at Rs. 3 lacs to be paid with interest at the rate of 6% p.a. from the date of filing of claim application. While working out the interest payable the amounts already paid shall be duly taken note of and the interest would be calculated on the balance amount payable.

6. The appeal is allowed to the aforesaid extent.