

CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

Gangatharan and Anr. ... Appellant (s)

Vs.

Pandiyan Roadways Corpn. and Anr. ... Respondent (s)

O R D E R@@
CCCCCCCC

.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

On 21st December, 1984, the only child of the appellants herein died in a motor accident. The vehicle was owned by respondent No. 1 - Corporation. The appellants herein filed a petition for compensation before the Motor Accident Claims Tribunal, Madurai. The Tribunal awarded a sum of Rs.1,31,000/- as compensation on various heads. Respondent No. 1 herein thereafter filed an appeal before the High Court. A cross objection was also filed by the appellants. The High Court allowed the appeal preferred by the respondent and the cross objection filed by the appellants was rejected. The High Court by the impugned order reduced the compensation from Rs.1,31,000/- to Rs.76,000/- towards the loss of pecuniary advantage as there is loss of love and affection. It is against the said order and judgment, the appellants are in appeal before us.

We have heard learned counsel for the appellants. None appears on behalf of Respondent No. 1.

...2/-

-2-

The Tribunal as well as the High Court have concurrently found that the driver of the bus was negligent and the only child of the appellants died due to his negligent driving. The High Court, while reducing the compensation, has not given any cogent reasons. Infact the reasons given are wholly speculative and based on surmises. The High Court held that since the child was to marry subsequently, in that event the benefit of earning of the deceased thereafter would not have reached the claimants in the same pattern if the deceased was a bachelor. According to us, this is a speculative finding and the reduction of compensation is based on surmises.

We, accordingly, set aside the judgment under challenge and affirm the order of the Tribunal.

The appeal is allowed. There shall be no order as to costs.

.....L.....I.....T.....T..T....T.....T.....T.....J
.SP1

.....CJI.@@
BBBBBBBBBBBBBBBBBBBBBBBBBBBB

.....J.@@

BBBBBBBBBBBBBBBBBBBBBBBBBBBB
(S.B. Sinha)@@
BBBBBBBBBBBBBB

.....J.@@
BBBBBBBBBBBBBBBBBBBBBBBBBBBB
(AR. Lakshmanan) @@
BBBBBBBBBBBBBBBBBBBB

New Delhi,
January 16, 2003.