

In the High Court of Judicature at Madras

Dated : 11.6.2015

Coram :

The Honourable Mr. Justice V. RAMASUBRAMANIAN
and
The Honourable Mr. Justice T. MATHIVANAN

Civil Miscellaneous Appeal No.1046 of 2015 and M.P.Nos.1 and 2 of 2015

The Managing Director, Metropolitan
Transport Corporation, (Chennai
Division) Ltd., Pallavan Illam,
Anna Salai, Chennai-2. ...Appellant/Respondent

Vs

1.N.Gandhimathi
2.G.Rani ...Respondents/Claimants

APPEAL under Section 173 of the Motor Vehicles Act against the order dated 17.12.2012 made in M.C.O.P.No.422 of 2011 on the file of the Motor Accidents Claims Tribunal (17th Additional District Court), Chennai.

For Appellant : Mr.S.Sivakumar

For Respondents/caveators : Mr.V.Balamurugan

JUDGMENT WAS DELIVERED BY T.MATHIVANAN, J

Challenging the award dated 17.12.2012 made in M.C.O.P.No.422 of 2011 on the file of the Motor Accidents Claims Tribunal (17th Additional District Court), Chennai awarding a sum of Rs.16,49,000/-, this appeal has been preferred by the Metropolitan Transport Corporation, who is the respondent in the claim petition.

2. It is revealed from the records that the respondents 1 and 2 - being the wife and mother of the deceased - Nandakumar have filed a claim petition before the Tribunal claiming a sum of Rs.20,00,000/- towards the loss on account of death of the deceased in a road traffic accident, which took place on 5.10.2010 involving a bus bearing regn.No.TN-01-N-4319. The appellant - Transport Corporation has resisted the claim petition by filing their counter statement. On appreciation of the evidences both oral and documentary, the Tribunal has proceeded to pass an award of Rs.16,49,000/- with interest at the rate of 7.5% per annum from the date of the petition till date of realisation with costs. As above said, challenging this award, the

Metropolitan Transport Corporation, who is the respondent in the claim petition, has chosen to file this appeal.

3. We have heard the learned counsel on either side.

4. We find that the impugned award does not suffer from any infirmity or illegality and are therefore of the considered view that it does not require any disturbance.

5. Hence, the civil miscellaneous appeal is dismissed. Consequently, M.P.No.1 of 2015 is also dismissed. No costs.

6. However, the learned counsel for the appellant has submitted that while filing this appeal, a sum of Rs.4,860/- was paid as court fee in excess and that the same might be directed to be refunded to the appellant.

7. Therefore, M.P.No.2 of 2015 is allowed and the Registry is directed to refund the excess court fee of Rs.4,860/- (Rupees four thousand eight hundred and sixty only) to the appellant Transport Corporation.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To

The Motor Accidents Claims Tribunal (17th Additional District Court), Chennai.

Copy to:

The Sub Assistant Registrar,
C.O.Department, High Court, Madras.

+1 cc to Mr.V.Balamurugan, Advocate, Sr.28303.

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MP.Nos.1 and 2 of 2015