

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.10.2015

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

C.M.A. NO.407 OF 2009
AND M.P.NO.1 OF 2009

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Division - 2, Vellore. ... Appellant/Respondent

Versus

Ramayee ... Respondent/Petitioner

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree in M.C.O.P.No.187 of 2001 dated 21.04.2008 on the file of the Motor Vehicles Accident Claims Tribunal, Sub-Court, Cheyyar

For Appellant : Mr.S.V.Vasanth Kumar

For Respondent : Mr.K.G.Senthil Kumar

J U D G M E N T

The Tamil Nadu State Transport Corporation Limited, Vellore is the appellant. Aggrieved against the award passed by the Motor Vehicles Accident Claims Tribunal [Sub-Court], Cheyyar in M.C.O.P.No.187 of 2001, the present appeal has been filed.

2. The claimant/respondent, who sustained grievous injuries in the accident that took place on 30.09.1999 has filed a claim petition before the Court below claiming a compensation in a sum of Rs.10,00,000/-. The Tribunal, on appreciation of oral and documentary evidence, passed an award for a sum of Rs.1,99,800/- and after deducting 50% towards contributory negligence awarded a sum of Rs.99,900/- as compensation to the claimant with interest at the rate of 7.5% per annum from the date of petition till the date of deposit. Questioning the same, the present appeal has been filed.

3. The learned counsel appearing for the appellant fairly states that they are mainly aggrieved of the quantum determined

by the Tribunal in arriving at the loss of income at Rs.1,24,800/- for the 40% disability suffered, which is not correct. In such circumstances, there is no need for us to go into the finding relating to negligence. Further, he would submit that the Tribunal has also deducted 50% of the compensation towards contributory negligence and awarded a sum of Rs.99,900/- to the claimant.

4. On a perusal of the judgment passed by the Court below, it is seen that considering the fact that the claimant/respondent has suffered fracture in the right leg and has also stated that she could not walk fast and run and not able to sit down and do hard work, confirmed the 40% disability fixed by the Doctor. It is also seen that the Tribunal has deducted 50% of the compensation towards contributory negligence and awarded a total compensation of Rs.99,900/- only to the claimant/respondent.

5. Under such circumstances, I do not find any reason to interfere with the award passed by the Tribunal.

6. It is submitted that at the time of admission, the appellant/State Transport Corporation was directed to deposit a sum of Rs.75,000/-[Rupees Seventy Five Thousand only] along with proportionate interest to the credit of M.C.O.P.No.187 of 2001 on the file of the Motor Vehicles Accident Claims Tribunal [Sub-Court], Cheyyar.

7. In view of the said submission, the appellant / Transport Corporation is directed to deposit the remaining amount to the credit of M.C.O.P.No.187 of 2001 on the file of the Motor Vehicles Accident Claims Tribunal [Sub-Court], Cheyyar, within a period of four weeks from the date of receipt of a copy of this order along with the interest. It is needless to state that on such deposit being made, the claimant/respondent is entitled to withdraw the entire compensation amount along with interest on making out a proper application before the Court below.

8. With the above direction, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sri

To

1. The Motor Vehicles Accident Claims Tribunal,
Sub-Court, Cheyyar.

2. The Section Officer,
VR Section, High Court, Madras.

+1 cc to Mr.S.V.Vasanthakumar, Advocate, 58936

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