

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2018

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.M.A.No.2428 of 2006
and M.P.No.1 of 2006

Tha Managing Director,
Tamil Nadu State Transport
Corporation Limited,
Erode.

...Appellant/2nd Respondent

...vs...

1.Ramayammal
2.Velmurugan
3.P.V.Mariappan
4.National Insurance Company Limited
Branch II, 1272,
Palaniappa Complex, Erode.

... 1st Respondent/Claimant

... Respondents 3 to 4/
Respondents 1,3 & 4

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the decree and Judgment dated 23.12.2005 in M.C.O.P.No.228 of 2005 on the file of the learned Additional District Judge, Fast Track Court No.I, Erode. (Motor Accident Claims Tribunal)

For Appellant : Ms.S.Ponmozhi for Mr.N.Anand

For Respondents : Mr.Kaithamalai Kumaran for R1
R2- Givenup

JUDGMENT

The present appeal is filed by the Managing Director, Tamil Nadu State Transport Corporation Limited against the award passed by the tribunal in M.C.O.P.No.228 of 2005 on the file of the Additional District Judge, Erode.

2.The learned counsel appearing for the first respondent/claimant contended that the injured Ramayammal @ Ramathal died on 11.02.2009 and that till date, the present appellant did not take steps to implead the legal

representatives of the deceased Ramayyammal.

3.Ms.S.Ponmozhil, learned counsel appearing on behalf of the Tamil Nadu State Transport Corporation Limited sought adjournment in the case, on the ground that her senior counsel is out of station.

4.A perusal of the award passed by the tribunal shows that a sum of Rs.15,000/- is awarded to the first respondent/claimant for the injury sustained by her in the road accident that took place on 30.12.2004. Considering the nature of the injury, compensation awarded by the tribunal cannot be said to be excessive. The first respondent/claimant has also adduced sufficient evidence to show that the driver of the present appellant was rash and negligent in driving his vehicle. Infact, a copy of the FIR (Ex.P1), rough sketch (Ex.P2), observation mahazar (Ex.P3) and final report (Ex.P7) were marked to show that the driver of the appellant was responsible for the accident. The appellant also did not examine the driver of the vehicle to show that the injured was also equally contributed to the accident.

5.In the facts and circumstances, I do not find any merits in the appeal and therefore, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is dismissed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

vkr/bga

To
The Additional District Judge,
Fast Track Court No.I, Erode District.

Copy To
The Section Officer, VR Section, High Court, Madras.

+1cc to Mr.Kaithamalai Kumaran, Advocate SR.No.87231

+1cc to Mr.N.Anand, Advocate SR.No.8851

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and M.P.No.1 of 2006

SJ(CO)
GMY(05/02/2019)