

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2018

CORAM:

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

C.M.A.No.2371 of 2005
and C.M.P.No.12623 of 2005

Tamil Nadu State Transport Corporation Ltd.,
Rep. by its Managing Director,
Salem. Appellant/Respondent

..Vs..

1.K.V.Selvaraj
2.Poongodi Respondents/Petitioners

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the decree and judgment dated 08.03.2005 in M.C.O.P.No.828 of 2003 on the file of the Motor Accident Claims Tribunal, (Principal District Judge) Salem.

For Appellants : Mr.R.Arunmozhi

For Respondents : No appearance

JUDGMENT

The present appeal is filed by the Managing Director, Tamil Nadu State Transport Corporation, Salem under Section 173 of the Motor Vehicles Act, 1988 contending that the award of Rs.2,18,000/- passed by the Motor Accident Claims Tribunal (Principal District Judge), Salem is on the higher side.

2.The brief facts of the case of the respondents/ claimants are as follows:

On 17.04.2003, the deceased who was aged 16 years and her mother were traveling as passengers in the bus bearing Registration No. TN 27 N 1320 belonging to the appellant. They were proceeding towards Salem from Thiruvannamalai. The driver of the bus drove the bus rashly and negligently and dashed against another bus bearing Registration No. TN 27 N 1159 belonging to the same Tamil Nadu State Transport Corporation, as a result of which, the deceased sustained injuries all over the body and died on the spot. The claimants are the parents of the deceased. According to them, the accident took place due to the

rash and negligent driving of the driver of the Tamil Nadu State Transport Corporation and therefore, they are liable to pay compensation. The appellant/respondent filed a counter denying all the allegations of the claimants.

3.The learned Principal District Judge (Motor Accident Claims Tribunal), Salem, after analysing the entire evidence on record, awarded a compensation of Rs.2,18,000/- to the parents of the deceased. Since, the deceased was a minor aged about 16 years, the Trial Court after taking into consideration all the aspects, awarded the above said amount and by no stretch of imagination it can be said to be on the higher side. Furthermore, the respondents/claimants did not file any appeal/cross-objections for enhancing the compensation amount, and infact, there is no appearance on their side. Therefore, I do not see any reason to interfere with the findings of the learned Principal District Judge, Salem. Hence, the decree and judgment passed by the learned Principal District Judge (Motor Accident Claims Tribunal), Salem in M.C.O.P.No.828 of 2003, dated 08.03.2005 is upheld.

4.In the result, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal District Judge,
Salem.

2. The Section Officer,
V.R.Section, High Court, Madras.

+1 cc to M/s.R.Arunmozhi, Advocate Sr.No.78387

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AK(CO)
CSL/12.12.2018