

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2018

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.1652 of 2008

The Managing Director
Tamil Nadu State Transport
Corporation Ltd., Salem Appellant/Respondent

..Vs..

Mohammed IqbalRespondent/Petitioner

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against made in MCOP No.233 of 2005 dated 13.11.2007 on the file of the Motor Vehicles Accident Claims Tribunal and Additional District Court, Fast Track Court I at Chidambaram.

For Appellant : Mr.D.Venkatachalam

For Respondent : No appearance

J U D G M E N T

The instant appeal has been filed challenging the Award dated 13.11.2007 passed by the Motor Accident Claims Tribunal and Additional District Court, Fast Track Court I at Chidambaram in MCOP.No.233 of 2005.

The brief facts leading to the filing of the instant appeal are as follows.

2. The respondent sustained injuries as a result of an accident that took place on 15.10.2004 while travelling as a passenger in a bus bearing registration No.TN27-N-1248 owned by the Appellant Transport Corporation. The respondent preferred a compensation claim before the Motor Accident Claims Tribunal in M.C.O.P.No.233 of 2005 seeking compensation for a sum Rs.75,000/- against the Appellant Transport Corporation. The Motor Accident Claim Tribunal by its Award dated 13.11.2007 passed in M.C.O.P.No. 233 of 2005, directed the appellant to pay the respondent a sum of Rs.49.281/- together with interest at the rate of 7.5% per annum from the date of claim till the date of realization.

3. Aggrieved by the Award dated 13.11.2007 passed by the Motor Accident Claims Tribunal in M.C.O.P.No.233 of 2005, the instant appeal has been filed by the Appellant Transport Corporation.

4. Heard Mr.D.Venkatachalam learned counsel for the Appellant. There is no representation on the side of the respondent. Since the appeal pertains to the year 2008 and this Court is going to confirm the Award, there is no necessity to serve the notice on the respondent.

5. According to the learned counsel for the Appellant, the Tribunal has failed to consider the fact that the respondent/claimant did not disclose the details of his age and income. The learned counsel for the Appellant submitted that the Tribunal has erroneously accepted 10% disability without any basis.

6. This Court after having considered the materials available on record and after examining the impugned Award and after hearing the submissions of the respective counsels observes the following:

a) It is an undisputed fact that the accident had happened only due to the rash and negligent driving by the driver of the bus owned by the Appellant Transport Corporation.

b) The respondent has filed the disability certificate before the Tribunal, which was marked as Ex.P11. Based on the disability certificate, the Tribunal has assessed the disability of the respondent at 10%. No contra evidence has been produced by the Appellant to disprove the disability of the respondent.

7. In the light of the above observations, this Court is of the considered view that the compensation awarded to the respondent under the impugned award is a just compensation and there is no merit in the appeal. Accordingly, the Appeal is dismissed without costs. Consequently, connected Miscellaneous Petition is closed.

8. The Appellant is directed to deposit the amount awarded by the Tribunal together with interest, after deducting the amount that has already been deposited, to the credit of MCOP No.233 of 2005 on the file of the Motor Accident Claims Tribunal and Additional District Court, Fast Track Court I at Chidambaram, within a period of four weeks from the date of receipt of a copy of this Order. On such deposit being made, the respondent is permitted to withdraw the amount lying to the

credit of MCOP No.233 of 2005 on the file of the Motor Accident Claims Tribunal and Additional District Court, Fast Track Court I at Chidambaram along with accrued interest by filing an appropriate application.

Sd/--

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

nl

To

1. The Motor Accident Claims Tribunal and
Additional District Court,
Fast Track Court I,
Chidambaram.

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

+1cc to Mr.D.Venkatachalam, Advocate SR.NO.61036

SJ(CO)
sm:8.10.2018

C.M.A.No.1652 of 2008

सत्यमेव जयते

WEB COPY