

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.No.388 of 2008

and

M.P.No.1 of 2008

The Managing Director
Tamil Nadu State Transport
Corporation, Ltd.,
Rangapuram, Vellore.

...Appellant/Respondent

Vs.

Minor Rajeswari
rep by guardian/ Mother Rani

...Respondent/ Claimant

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the award and decretal order passed by the Motor Accidents Claims Tribunal, Additional Sub Judge, Tiruvannamalai and made in MCOP No.339 of 2004 dated 25.04.2007 praying to set aside the same.

For Appellant : Mr.V.Ramesh
For Respondent : No appearance

सत्यमेव जयते

J U D G M E N T

The instant appeal has been filed challenging the Judgment and decree dated 25.04.2007, passed by the Motor Accidents Claims Tribunal (Additional Sub Judge, Tiruvannamalai) Tribunal in MCOP No.399 of 2004.

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

(i)The Appellant Transport Corporation is the owner of the bus bearing Registration No.TN 23 N 1308.

(ii)Rajeswari, (Minor) while walking on the left side of the

road, the bus owned by the Appellant Corporation dashed against her sustaining injuries on her body. The minor Rajeswari represented by her mother and guardian made a claim against the Appellant before the Motor Accidents Claims Tribunal, Tiruvannamalai in MCOP No.339 of 2004. By Judgement and Decree dated 25.04.2007, the Tribunal directed the Appellant to pay the respondent a sum of Rs.43,000/- together with interest at 7.5% per annum from the date of claim till date of realization to the first respondent.

3. Aggrieved by the Award dated 25.04.2007, the instant appeal has been filed by the Transport Corporation.

4. Heard Mr.V.Ramesh, learned Counsel for the Appellant. Even though, the notice in the appeal has not been served on the respondent, the instant appeal is being disposed of on merits considering the long pendency of the matter.

5. According to the learned Counsel for the Appellant, the primary ground for challenge is that the compensation awarded by the Tribunal is an excessive one and not in commensurate with the loss suffered by the minor respondent on account of the injuries suffered by her due to the accident.

6. This Court after having perused and examined the impugned Award observes the following:

Admittedly, the first respondent minor has suffered four simple injuries and one grievous injury. Even though, the first respondent had made a claim for a sum of Rs.1,00,000/- before the Tribunal only a sum of Rs.43,000/- was awarded in favour of the first respondent by the Tribunal. The Tribunal has taken into consideration all the factors before coming to the conclusion.

7. For the aforesaid reasons, this Court is of the considered view that the findings of the Tribunal awarding compensation of Rs.43,000/- together with interest at 7.5% per annum from the date of claim is a reasonable one and in accordance with law. There is no merit in the instant appeal.

8. Accordingly, the appeal shall stand dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

mpa/pam

To

The Motor Accidents Claims Tribunal,
Additional Sub Judge, Tiruvannamalai.

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and
M.P.No.1 of 2008

SVN (CO)
GSP (02/11/2018)



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