

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 24.10.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

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C.M.A. (MD) No.1015 of 2018**and****C.M.P (MD) No.10592 of 2018**

The Managing Director,
M/s.Tamil Nadu State Transport Co., Ltd.,
Divisional Office-5.
Virudhunagar.

... Appellant/Respondent

Vs.

Maimoon Beevi @ Mimponnu

... Respondent/Petitioner

PRAYER: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award, dated 08.09.2006 made in M.C.O.P.No.2208 of 2003, passed by the Motor Accident Claims Tribunal (III Additional Subordinate Court), Tiruchirappalli.

For Appellant : Mr.S.C.Herod Singh

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JUDGMENT

This Civil Miscellaneous Appeal has been filed by the appellant-respondent against the award, dated 08.09.2006, made in M.C.O.P.No.2208 of 2003, passed by the Motor Accident Claims Tribunal (II Additional Subordinate Court), Tiruchirappalli.

2.The appellant Transport Corporation is the respondent in M.C.O.P.No.2208 of 2003. The respondent/claimant filed a claim petition before the Motor Accident Claims Tribunal (III Additional Sub Court), Tiruchirapalli, claiming a sum of Rs.5,00,000/- as compensation, for the injuries sustained by him in the accident that occurred on 06.02.2003.

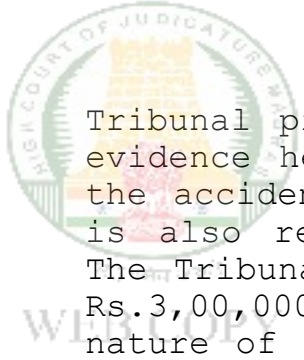
3.The Tribunal, considering the pleadings, oral and documentary evidence, awarded a total sum of Rs.3,42,000/- as compensation.

4.Aggrieved by the said award, the appellant Transport Corporation has filed the present Civil Miscellaneous Appeal.

5.I have heard the learned counsel appearing for the appellant and perused all the materials available on record.

<https://hcservices.courts.gov.in/hcservices/>

6.From the materials available on record, it is seen that the



Tribunal properly appreciating the pleadings, oral and documentary evidence held that the driver of the appellant is responsible for the accident and the appellant failed to prove that the respondent is also responsible for the accident by contributing negligence. The Tribunal considering percentage of disability awarded a sum of Rs.3,00,000/- towards 90% disability. Similarly, considering the nature of the injury and treatment taken by the respondent awarded compensation under different heads. The total compensation of Rs.3,42,000/- awarded by the Tribunal is not excessive.

7.The compensation awarded by the Tribunal is just compensation and the appellant did not let in any evidence to disprove the case of the respondent and the same is not excessive. The appellant has not made out any case for interfering with the judgment of the Tribunal.

8.In the result, the Civil Miscellaneous Appeal is dismissed and compensation awarded by the Tribunal is confirmed. The appellant/Transport Corporation is directed to deposit the entire award amount to the credit of M.C.O.P.No.2208 of 2003, on the file of the Motor Accident Claims Tribunal (III Additional Sub Court), Tiruchirappalli, less the amount already deposited, if any, along with interest at the rate of 7.5% per annum from the date of petition till date of deposit and costs, within a period of eight weeks from the date of receipt of a copy of this Judgment.

9.On such deposit being made, the respondent/claimant is entitled to withdraw the award amount, less the amount already withdrawn, if any, with interest by making necessary application before the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

Sub Assistant Registrar(CS)

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To

The Motor Accident Claims Tribunal,
III Additional Sub Court, Tiruchirappalli.

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The Record Keeper,
V.R.Section,

Madurai Bench of Madras High Court, Madurai.2COPIES

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