

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

DATED : 25.10.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

WEB COPY

C.M.A. (MD) No.1720 of 2013**and****M.P(MD) No.1 of 2013**

The Managing Director,

Tamil Nadu State Transport Corporation,

Kumbakonam.

... Appellant/Respondent

Vs.

1.N.Mumtaj

... Respondent No.1/Petitioner No.1

2.Appas Ali

... Respondent No.2/Petitioner No.2

PRAYER: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award, dated 19.04.2013, made in M.C.O.P.No.930 of 2011, passed by the Motor Accident Claims Tribunal, Additional District & Sessions Judge/E.C.Act Special Judge, Thanjavur.

For Appellant : Mr.D.Sivaraman

For R1 : Mr.V.Achuthan

JUDGMENT

This Civil Miscellaneous Appeal has been filed by the appellant/Transport Corporation against the award, dated 19.04.2013, made in M.C.O.P.No.930 of 2011, passed by the Motor Accident Claims Tribunal, Additional District & Sessions Judge/E.C.Act Special Judge, Thanjavur.

2.The appellant Transport Corporation is the respondent in M.C.O.P.No.930 of 2011. The respondents/claimants filed a claim petition before the Motor Accident Claims Tribunal, Additional District & Sessions Judge/E.C.Act Special Judge, Thanjavur. claiming a sum of Rs.15,00,000/- as compensation, for the death of one Idhayat Ali, son of the first respondent and brother of the second respondent, in the accident that occurred on 13.09.2010.

3.The Tribunal, considering the pleadings, oral and documentary evidence, awarded a total sum of Rs.6,04,000/- 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 the first respondent and perused the materials available on record.



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 deceased was also responsible for the accident by contributing negligence. The Tribunal considering the age, avocation and income of the deceased awarded a total sum of Rs.6,04,000/- as compensation under different heads. The compensation 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 and same is not excessive. The appellant has not made out any case for modifying the judgment by reducing the compensation awarded by 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.930 of 2011, on the file of the Motor Accident Claims Tribunal, Additional District & Sessions Judge/E.C.Act Special Judge, Thanjavur, 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 respondents/claimants are entitled to withdraw their share as per the ratio of apportionment made by the Tribunal, 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/-

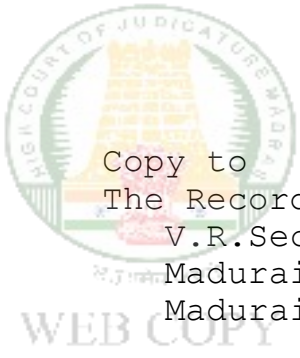
Assistant Registrar (Records)

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Sub Assistant Registrar (CS)

To

1.The Additional District & Sessions Judge/
Motor Accident Claims Tribunal,
E.C.Act Special Judge, Thanjavur.



Copy to
The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1CC TO MR.D.SIVARAMAN, Advocate Sr. No. 92043

C.M.A. (MD) No.1720 of
2013

TR (27.02.2019) 3P 5C