



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2018

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.(MD)No.1824 of 2013
and
M.P(MD)No.3 of 2013

M/s.Tamil Nadu State Transport Corporation
(Kumbakonam Division II),
Periyamilaguparai,
Collector Office Road,
Trichy.

... Appellant/Respondent

Vs.

C.Thangavel

... Respondent/Petitioner

PRAYER: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award, dated 20.06.2011 made in M.C.O.P.No.351 of 2007, passed by the Motor Accident Claims Tribunal, Kulithalai.

For Appellant : Mr.D.Sivaraman
For R1 : Mr.V.Achuthan
* * * * *

JUDGMENT

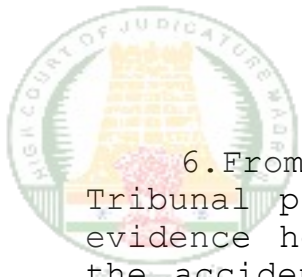
This Civil Miscellaneous Appeal has been filed by the appellant/Transport Corporation against the award, dated 20.06.2011, made in M.C.O.P.No.351 of 2007, passed by the Motor Accident Claims Tribunal, Kulithalai.

2.The appellant Transport Corporation is the respondent in M.C.O.P.No.351 of 2007. The respondent/claimant filed a claim petition before the Motor Accident Claims Tribunal, Kulithalai, claiming a sum of Rs.4,00,000/- as compensation, for the injuries sustained by him in the accident that occurred on 02.08.2006.

3.The Tribunal, considering the pleadings, oral and documentary evidence, awarded a total sum of Rs.2,10,500/-, 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 respondent is also responsible for the accident by contributing negligence. The Tribunal considering percentage of disability awarded a total sum of Rs.1,62,000/- towards loss of income. Similarly, considering the nature of the injury and treatment taken by the respondent awarded compensation in 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 in 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.351 of 2007, on the file of the Motor Accident Claims Tribunal, Kulithalai, 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 realisation 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 (P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Motor Accident Claims Tribunal,
Kulithalai.
2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 92037

AM

TE : 28/02/2019 : 2P/5C

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