

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

DATED : 25.10.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

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C.M.A. (MD) No.1851 of 2013**and****M.P (MD) No.3 of 2013**

The Tamil Nadu State Transport
Corporation Ltd.,
Periyamilaguparai,
Trichy.

... Appellant/Respondent

Vs.

1.J.Marry Kutty

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

2.K.S.Joseph

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

PRAYER: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award, dated 14.09.2012, made in M.C.O.P.No.1606 of 2009, passed by the Motor Accident Claims Tribunal (II Additional District Judge) Tiruchirappalli.

For Appellant : Mr.D.Sivaraman

For Respondents : Mr.N.Sudhagar Nagaraj

JUDGMENT

This Civil Miscellaneous Appeal has been filed by the appellant/Transport Corporation against the award, dated 14.09.2012, made in M.C.O.P.No.1606 of 2009, passed by the Motor Accident Claims Tribunal (II Additional District Judge), Tiruchirappalli.

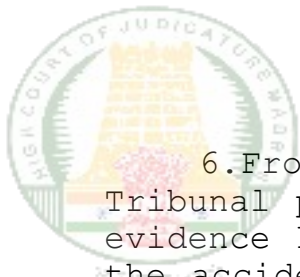
2.The appellant Transport Corporation is the respondent in M.C.O.P.No.930 of 2011. The respondents/claimants filed a claim petition before the Motor Accident Claims Tribunal (II Additional District Judge) Tiruchirappalli claiming a sum of Rs.8,00,000/- as compensation, for the death of one Anthony, son of the respondents died in the accident that occurred on 11.03.2009.

3.The Tribunal, considering the pleadings, oral and documentary evidence, awarded a total sum of Rs.5,55,000/- as compensation.

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

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

5.I have heard the learned counsel appearing for the appellant and the respondents 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 the age, avocation and income of the deceased awarded a total sum of Rs.5,55,000/- 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 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.1606 of 2009, passed by the Motor Accident Claims Tribunal (II Additional District Judge), 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 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 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 (Writ)

// True Copy //

Sub Assistant Registrar (CS)

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To

1.The Motor Accident Claims Tribunal,
(II Additional District Judge),
Tiruchirappalli.



WEB COPY

1. The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1CC TO MR.N.SUDHAGAR NAGARAJ, Advocate Sr. No.91913

+1CC TO MR.D.SIVARAMAN, Advocate Sr. No. 92034

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2013

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