

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 18.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. Nos.1095 to 1097 of 2007
and M.P.Nos.1,1 and 1 of 2007

The Managing Director,
Tamilnadu State Transport Corporation ,
(Salem) Ltd, Division - I
Registered and Administrative Office,
12, Ramakrishna Road,
Salem - 636 007. Appellant / 1st Respondent
in all C.M.As

Versus

1. Minor Baby
Represented by his father
Mr.Sekar Respondent in
C.M.A.No.1095 of 2007 / Claimant
2. Dhanam Respondent in
C.M.A.No.1096 of 2007 / Claimant
3. Vasanthi Respondent in
C.M.A.No.1097 of 2007 / Claimant
4. Jayaraj
5. Royal Sundaram Alliance,
Insurance Co. Ltd,
21, Pattulal Road,
Chennai-600 002. Respondents 4 and 5
in all C.M.As / Respondents

Common Prayer: The Civil Miscellaneous Appeals are filed under
Section 173 of Motor Vehicles Act, 1988, against the Judgment
and Decree made in M.C.O.P.Nos.252, 253 and 254 of 2004 dated
25.10.2006, on the file of the Motor Accidents Claims Tribunal /
Chief Judicial Magistrate, Salem.

For Appellant :Mr.V.Ramesh
in all C.M.As

For Respondents:Mr.Vijayaraghavan (for R5 in all CMAs)
:Mrs.Zeenath Begam
for Claimants

COMMON JUDGMENT

Challenging the negligence as well as the quantum of compensation awarded by the Claims Tribunal in M.C.O.P.Nos.252, 253 and 254 of 2004 dated 25.10.2006, the appellant / Tamilnadu State Transport Corporation, Salem preferred this Civil Miscellaneous Appeal.

2. Out of the accident took place on 06.04.2004 at about 9.15 a.m, on Aathur to Salem main road, at Ramalingapuram Bus stop, the respondents 1 to 3 sustained grievous injuries all over the body. Therefore, the respondents 1 to 3 filed petitions in M.C.O.P.Nos.252, 253 and 254 of 2004 before the Motor Accidents Claims Tribunal / Chief Judicial Magistrate, Salem, claiming for a sum of Rs.2,50,000/- , Rs.4,00,000/- and Rs.2,00,000/- respectively towards compensation.

After contest, the Claims Tribunal, on a consideration of oral and documentary evidence, passed a common order and awarded a sum of Rs.42,000/- to the 1st respondent/minor, Rs.60,000/- to the 2nd respondent and Rs.32,000/- to the 3rd respondent respectively payable with interest at the rate of 7.5% per annum.

3. Challenging the same as excessive and disproportionate, the appellant is before this Court by way of filing this Civil Miscellaneous Appeal.

4. Heard the learned counsel appearing on either side and perused the materials available on record in all the three Civil Miscellaneous Appeals.

6. As far as the award of compensation is concerned, this Court is not inclined to disturb the same, as the Tribunal has applied its mind and awarded compensation properly, which do not warrant interference by this Court.

7. Upon perusing the entire award of the Tribunal, it is seen that the Tribunal entered into its findings based on oral and documentary evidence before it and has awarded a just and fair compensation, which need not be interfered with by this Court in this appeal filed by the appellant, and the quantum of compensation assessed by the Tribunal, cannot be said to be improper.

8. In the above circumstances, this Court need not inclined to interfere with the award passed by the Tribunal. Therefore, the appeal is liable to be dismissed.

7. In the result,

a) All the three Civil Miscellaneous Appeals are dismissed on merits by confirming the award passed by the Tribunal in M.C.O.P.Nos.252, 253 and 254 of 2004 dated 25.10.2006, on the file of the Motor Accidents Claims Tribunal / Chief Judicial Magistrate, Salem.

b) The appellant/Tamilnadu State Transport Corporation is directed to deposit the entire award amount as determined by the Tribunal together with interest at 7.5% per annum, after adjusting amount, if any, already deposited within a period of eight weeks from the date of copy of this Judgement.

c) On such deposit, the respondents/claimants are permitted to withdraw the same with accrued interest, less the amount if any, already withdrawn on filing appropriate application before the Tribunal. The amount awarded as compensation to the minor respondent (R1) is directed to be deposited in a Nationalised Bank till he attains majority. However, the guardian/father of the minor is permitted to withdraw accrued interest once in three months.

Consequently, connected Miscellaneous Petitions are closed.
No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

vum
To

Sub Assistant Registrar

1) The Chief Judicial Magistrate/
Motor Accidents Claims Tribunal,
Salem.

2) The Section Officer,
VR Section, High Court, Madras.

+2 cc to M/s.V.Rajesh, Advocate, S.R.No.14506, 14507

+3 ccs to M/s.N.Vijayaraghavan, Advocate, S.R.No.14740

C.M.A. Nos.1095 to 1097 of 2007
and M.P.Nos.1,1 and 1 of 2007

CNR (CO)
SSM(13/06/2019)