

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2019

CORAM:

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

CMA.No.2583 of 2007

M. Bharathi Mohan

..Appellant/Claimant

vs.

The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Kumbakonam Division-1
Kumbakonam

..Respondent/Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the award and decree passed in M.C.O.P. No.244 of 2002, dated 18.01.2005, on the file of Motor Vehicle Accident Claims Tribunal, Additional Sub Court, Mayiladuthurai.

For Appellant : Mr.S. Srinivasan

For Respondent : Mr.D. Venkatachalam.

JUDGMENT

The appellant is the claimant in M.C.O.P. No.244 of 2002, on the file of the Additional Subordinate Judge, Motor Vehicle Accident Claims Tribunal, Mayiladuthurai. He filed the Claim Petition under Section 166 of Motor Vehicles Act, seeking compensation of Rs.5,00,000/- for the injuries sustained by him in a road accident that took place on 23.04.2000.

2. The case of the claimant, in brief, is as follows:

On 23.04.2000, the claimant was travelling in a bus, bearing Registration No.TN.49-N-0462, belonging to the respondent-The Tamilnadu State Transport Corporation Ltd., from Mayiladuthurai to Sirkali. At about 2 P.M., the driver of the bus drove the vehicle rashly and negligently and hit a tamarind tree on the side of the road, as a result of which, the passengers of the bus, including the claimant, sustained injuries. According to the claimant, the rash and negligent driving of the driver of the bus belonging to the respondent was the cause of accident and hence, they are liable to pay compensation.

3. The respondent contested the claim petition and the learned Additional Subordinate Judge, Motor Accident Claims Tribunal, after analysing the evidence on record, awarded a compensation of Rs.42,000/- together with interest at the rate of 9% per annum from the date of the claim petition till the date of deposit. Aggrieved over the orders passed by the Tribunal, the claimant has filed the present appeal under Section 173 of the Motor Vehicles Act.

4. Mr. D. Venkatachalam, the learned counsel appearing for the Tamilnadu State Transport Corporation Ltd., drew the attention of this court to the decision of the Division Bench of this Court in CMA No.2819 of 2005, dated 14.09.2005.

5. CMA No.2819 of 2005 was filed by the Managing Director, Tamil Nadu State Transport Corporation Ltd., questioning the quantum of compensation awarded by the Tribunal. The Division Bench of this Court, in paragraph No.3 of its order dated 14.09.2005, had held that the Appellate Court should not ordinarily interfere with the assessment of compensation, unless such compensation is grossly high or low. The Division Bench further held that the award passed by the Tribunal is perfectly in order and therefore, there is no question of enhancing the compensation in the instant case. Accordingly, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition, if any, is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

bga
To

The Additional Subordinate Judge
Motor Vehicle Accident Claims Tribunal,
Mayiladuthurai.

+1 CC to Mr.S. Srinivasan, Advocate sr 84044
+1 CC to Mr.D. Venkatachalam, advocate sr 84394.

CMA.No.2583 of 2007

VD(CO)
SP(24/07/2020)