

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. No.3323 of 2005
and C.M.P.No.16939 of 2005

The Managing Director,
Tamilnadu State Express Transport
Corporation Ltd.,
Chennai -2.

... Appellant/Respondent

Versus

Chinnasamy

... Respondent/Petitioner

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree made in M.A.C.T.O.P.No.809 of 2003 dated 03.11.2004, on the file of the Motor Accidents Claims Tribunal / learned Subordinate Judge, Krishnagiri

For Appellant : Mr.M.Krishnamoorthy

For Respondent : Not Ready notice

J U D G M E N T

Challenging the negligence as well as the quantum of compensation awarded by the Claims Tribunal in M.A.C.T.O.P.No.809 of 2003 dated 03.11.2004, the appellant preferred this Civil Miscellaneous Appeal.

2.The facts of the case are that on 03.05.2003 at about 07.45 hours, when the respondent was proceeding in his cycle on the extreme side of the road, the TNSTC bus bearing Registration No TN 01 N 6557 belongs to the appellant was driven by its driver from Harur side to Salem in a rash and negligent manner and dashed behind the respondent. Due to the impact, the respondent sustained grievous injuries all over the body. Hence, he filed a petition in M.A.C.T.O.P.No.809 of 2003 before

the Motor Accidents Claims Tribunal / learned Subordinate Judge, Krishnagiri, claiming a sum of Rs.2,00,000/- towards compensation. The Claims Tribunal, on a consideration of oral and documentary evidence, awarded a sum of Rs.1,52,000/- payable with interest at the rate of 9 % per annum.

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

4. Despite notice served to respondent, his name also printed in the cause list, there is no representation for the respondent.

5. Heard the learned counsel for the appellant and perused the materials available on record.

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.

9. In the result,

a) This Civil Miscellaneous Appeal is dismissed on merits by confirming the award passed by the Tribunal in M.A.C.T.O.P.No.809 of 2003 dated 03.11.2004, on the file of the Motor Accidents Claims Tribunal / learned Subordinate Judge, Krishnagiri.

b) Since it is reported by the learned counsel for appellant that the entire award amount as determined by the Tribunal has already been deposited, the first respondent/claimant is permitted to withdraw the said award amount with accrued interest, less the amount if any, already withdrawn on filing

appropriate application before the Tribunal.

Consequently, connected Miscellaneous Petition is closed.
No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vum

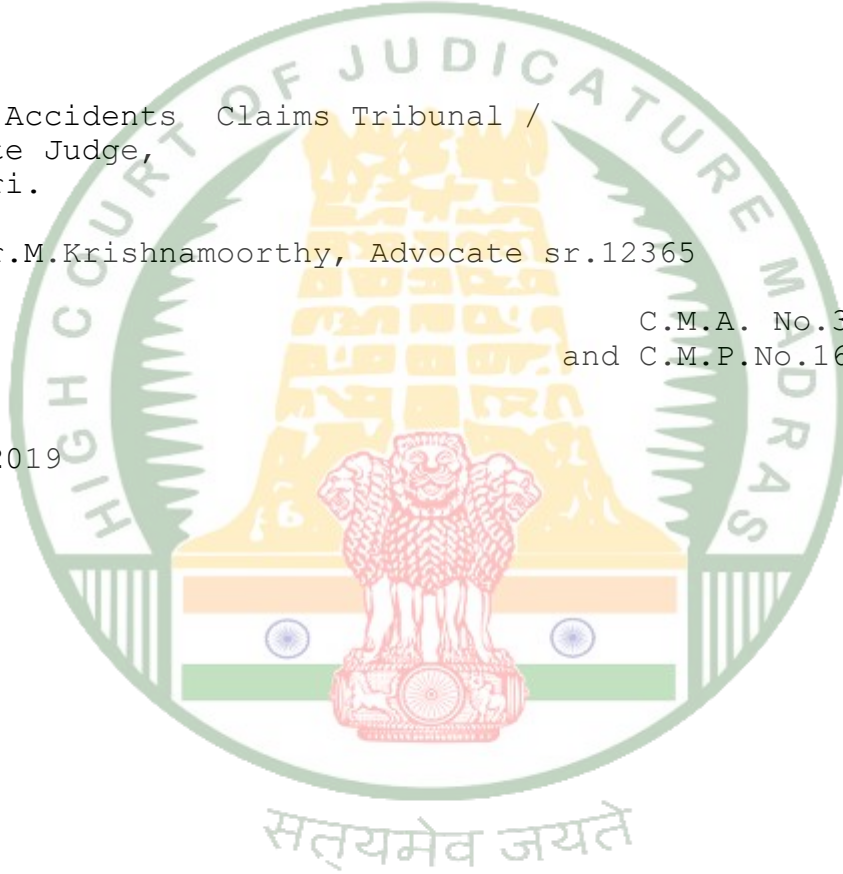
To.

The Motor Accidents Claims Tribunal /
Subordinate Judge,
Krishnagiri.

+1cc to Mr.M.Krishnamoorthy, Advocate sr.12365

C.M.A. No.3323 of 2005
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