

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 13.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. No.1101 of 2010
and M.P.No.1 of 2010

The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Coimbatore Division I,
37, Mettupalayam Road,
Coimbatore.

... Appellant/Respondent

Versus

Pappammal

... 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.C.O.P.No.136 of 2007 dated 21.01.2009, on the file of the Motor Accidents Claims Tribunal /learned Additional District Judge, Fast Track Court No.IV, Tirupur.

For Appellant : Mr.S.S.Swaminathan
For Respondent : Mr.Ma.P.Thangavel

J U D G M E N T

Challenging the negligence as well as the quantum of compensation awarded by the Claims Tribunal in MCOP No.136 of 2007 dated 21.01.2009, the appellant / Tamilnadu State Transport Corporation preferred this Civil Miscellaneous Appeal.

2. The facts of the case are that on 08.01.2007 at about 5.00 a.m, the deceased viz., Ammasaiappan aged about 59 years was traveling in the bus bearing Registration No.TN 38 N 0817 which was driven in a rash and negligent manner and applied sudden brake and the deceased was thrown away and he died on the spot. Therefore, the legal heir of the deceased filed a petition in M.C.O.P.No.136 of 2007 before the Motor Accidents Claims Tribunal /learned Additional District Judge, Fast Track Court No.IV, Tirupur, claiming a sum of Rs.5,00,000/- towards compensation. The Claims Tribunal, on consideration of the oral and documentary evidence, awarded a sum of Rs.1,95,500/- payable with interest at the rate of 7.5% per annum.

3. Challenging the award of compensation 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.

5. 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 is well considered order.

6. 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 as the Tribunal has applied its mind properly.

7. 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.

8. In the result,

a) This Civil Miscellaneous Appeal is dismissed by confirming the award passed by the Tribunal in M.C.O.P.No.136 of 2007 dated 21.01.2009, on the file of the Motor Accidents Claims Tribunal /learned Additional District Judge, Fast Track Court No.IV, Tirupur.

b) The appellant is directed to deposit the award amount as per the direction of the Tribunal together with interest at 7.5% per annum, after adjusting the amount, if any, already deposited, within a period of eight weeks from the date of copy of this Judgment.

c) On such deposit, the legal heirs of the deceased/respondent /claimant is permitted to withdraw the same 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(CS VIII)

//True Copy//

Sub Assistant Registrar

vum

To

The Motor Accidents Claims Tribunal/
The Additional District Judge,
Fast Track Court No.IV,
Tirupur

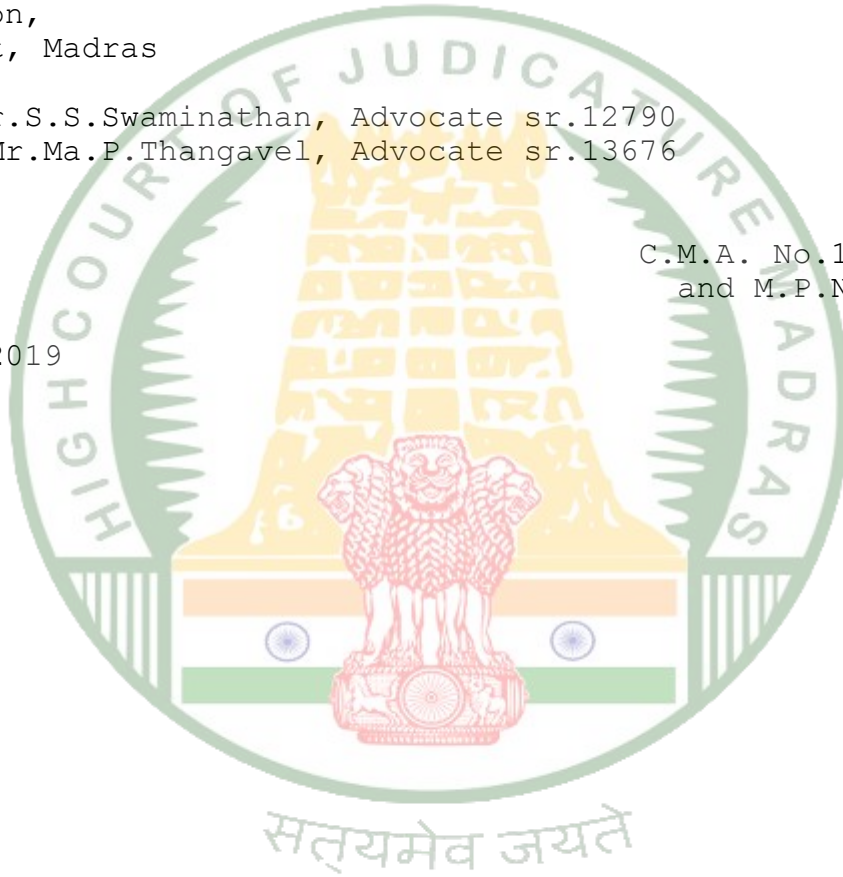
copy to:

The Section Officer,
V.R Section,
High Court, Madras

+1cc to Mr.S.S.Swaminathan, Advocate sr.12790
+1cc to Mr.Ma.P.Thangavel, Advocate sr.13676

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