

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 13.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. No.1253 of 2009 and
M.P.No.1 of 2009

The Managing Director,
Tamil Nadu Transport Corporation Ltd.,
Kancheepuram,
Kancheepuram District. ... Appellant/Respondent

Versus

N. Lakshmanan Respondent/Petitioner

Prayer: This Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree, in M.C.O.P.No. 111 of 2007, dated 12.12.2007 on the file of the Motor Accident Claims Tribunal, Additional District and Sessions Court, Fast Track Court, Vellore.

For Appellant : Mr.V.Ramesh

For Respondent : Mr. C.Prabakaran

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.111 of 2007 dated 12.12.2007, the Tamil Nadu Transport Corporation Limited has preferred this Civil Miscellaneous Appeal.

2. On 16.01.2005 at about 11:30 a.m, when the respondent herein was standing in vilangapattu bus stand at Chetpet to Vandavasi main road the appellant bus bearing Registration No.T-N-21-N-0706 came in the opposite direction at a very high speed and hit the respondent. In the result, the respondent

herein sustained injuries. The accident occurred only due to the rash and negligent act of the driver of the vehicle. Hence, the respondent herein, has filed the M.C.O.P.No.111 of 2007, before the Motor Accident Claims Tribunal, and Sessions Court, Fast Track Court, Vellore, seeking compensation for a sum of Rs.5,00,000/-. The Tribunal, on a consideration of oral and documentary evidence, has awarded a sum of Rs.79,000/- payable with interest at the rate of 6% per annum.

3. Challenging the same as excessive and disproportionate, the appellant/Transport Corporation has filed this appeal.

4. Heard the arguments of counsel for the appellant and perused the materials available on record. Though notice was ordered to the respondent and the same is yet to be completed for service.

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

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 and the quantum of compensation assessed by the Tribunal, cannot be said to be improper. Since, the Tribunal applied its mind properly and granted the award with the correct head which is well considered order.

7. In the result,

(a) this appeal is dismissed and the Judgment and Decree of the Tribunal in M.C.O.P.No.111 of 2007, dated 12.12.2007 is confirmed.

(b) the appellant/Transport Corporation is directed to deposit amount as awarded by the Tribunal with the interest at the rate of 6% within a period of 8 weeks from the date of receipt of copy of this order.

(c) On such deposit the respondent/claimant is permitted to withdraw the amount as per the directions of the Tribunal, by way of filing proper application before the Tribunal.

(e) There will be no order as to costs.

(f) Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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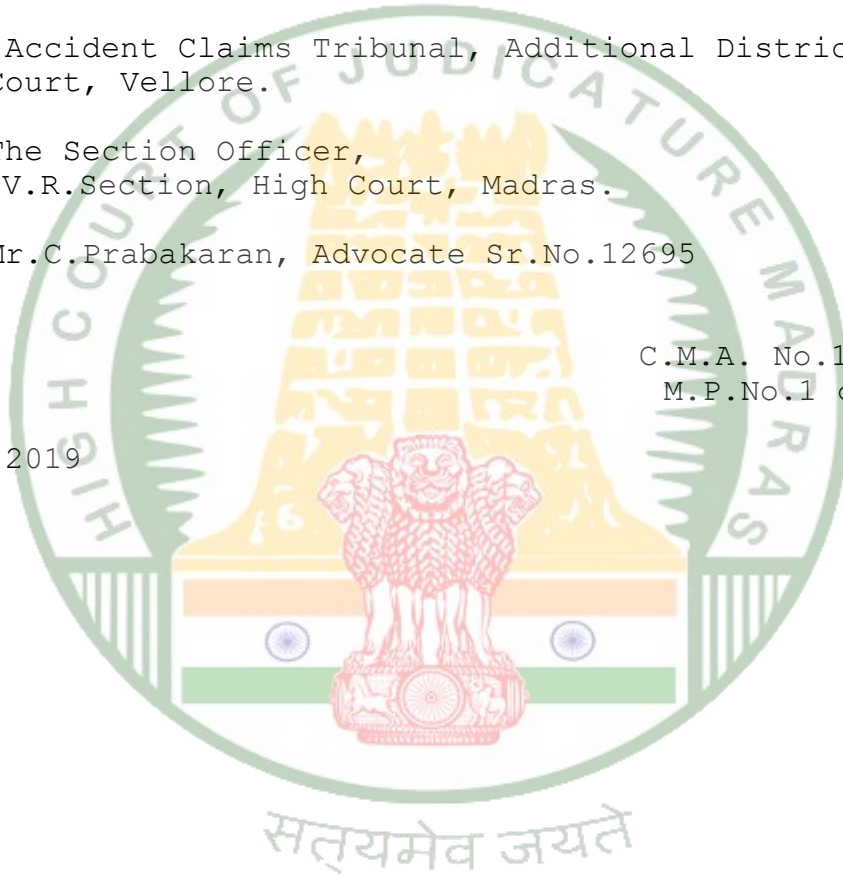
The Motor Accident Claims Tribunal, Additional District and Sessions Court, Vellore.

Copy To: The Section Officer,
V.R.Section, High Court, Madras.

+1 cc to Mr.C.Prabakaran, Advocate Sr.No.12695

C.M.A. No.1253 of 2009
M.P.No.1 of 2009

MP (CO)
CSL/11.06.2019



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