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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. No.1392 of 2009 and  
M.P.No.1 of 2010

The Managing Director,  
Tamil Nadu Transport Corporation Ltd.,  
(Villupuram Division - II)  
Vellore - 9.

... Appellant/1<sup>st</sup> Respondent

Versus

K. Ramamoorthy

... Respondent/Respondent

Prayer: This Appeal is filed under Section 173 of Motor Vehicles Act, 1988 to set aside the award made in M.C.O.P.No. 1338 of 2003 dated 30.07.2008 on the file of the Motor Accident Claims Tribunal and Additional District Judge Krishnagiri.

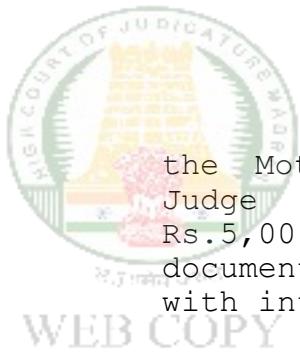
For Appellant :Mr.K.J.Sivakumar

For Respondent :Mr. S.V.Karthikeyan

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.C.O.P No.1338 of 2003 dated 30.07.2008, the Tamil Nadu Transport Corporation Limited has preferred this Civil Miscellaneous Appeal.

2. On 02.12.2002, when the respondent was proceeding in a mini Lorry bearing Registration No.T-N-39-J-6687 as a loading and unloading coolie the appellant bus bearing Registration No.T-N-23-N-1310 came in the opposite direction at a very high speed and dashed the mini lorry. 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.1338 of 2003, before



the Motor Accident Claims Tribunal, and Additional District Judge Krishnagiri, 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.71,000/- payable with interest at the rate of 7.5% 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 the respondent and perused the materials available on record.

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 has 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.1338 of 2003, dated 30.07.2008 is confirmed.

(b) the appellant/Transport Corporation is directed to deposit amount as awarded by the Tribunal with the interest at the rate of 7.5% 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 and disburse 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.

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(f) Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

smn

To.

The Additional District Judge,  
Motor Accident Claims Tribunal,  
Krishnagiri District.

+lcc to M/s.S.V.Karthikeyan, Advocate Sr.13002  
+lcc to M/s.K.J.Sivakumar, Advocate Sr.12707

C.M.A. No.1392 of 2009  
M.P.No.1 of 2010

rsi[co]  
srg 12/09/2019