

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 08.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. No.1893 of 2010 and
M.P.No.1 of 2010

The Managing Director,
Tamil Nadu State Transport Corporation,
(Coimbatore) Division - I, 37, Mettupalayam
Coimbatore District ... Appellant / Respondent

Versus

Sampathkumar ... Respondent / Claimant

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. 1175 of 2004 dated 08.06.2009 on the file of the Motor Vehicles Accident Claims Tribunal and Additional District Judge, FTC.No.4 Coimbatore at Tiruppur.

For Appellant : Mr.K.J.Sivakumar

For Respondent : No Appearance

J U D G M E N T

This appeal has been filed challenging the award made in M.C.O.P.No. 1175 of 2004 dated 08.06.2009 on the file of the Motor Vehicles Accident Claims Tribunal and Additional District Judge, FTC.No.4 Coimbatore at Tiruppur.

2. On 09.07.2004 at about 18:30 a.m while the respondent herein was riding his Moped bearing Registration No.T-N-60-A-5800 near Tiruppur Municipality office, the bus bearing Registration No.T-N-38-N-0645 came in the opposite direction and dashed against the respondent herein. In the result the respondent herein sustained several injuries. The accident occurred only due to the rash and negligent act of the driver of the bus. Hence, the respondent herein has filed M.C.O.P.No.1175 of 2004, before the Motor Accident Claims Tribunal, seeking compensation for a sum of Rs.5,00,000/-. The Claims Tribunal, on a consideration of oral and documentary evidence, has awarded a sum of Rs.1,23,498/- payable with interest at the rate of 7.5% per annum.

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

4. Heard the arguments and perused the materials available on record.

5. Since it is the case of the injuries sustained by the victim in the accident has filed the claim petition before the Tribunal. As far as the award of compensation is concerned, this Court is inclined the same need not be disturbed, as 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 filed by the Transport Corporation, and the quantum of compensation assessed by the Tribunal, cannot be said to be improper.

7. In the result,

(a) this appeal is dismissed, confirming the Decree and Judgment of the claims Tribunal in M.C.O.P.No.1175 of 2004, dated 08.06.2009.

(b) the appellant/Transport corporation is directed to deposit the award amount, less the amount, if any, already deposited, along with 7.5% interest within a period of eight weeks from the date of receipt of a copy of this order.

(c) After making such deposit, the claimant is permitted to withdraw the amount awarded as above by filing proper application before the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

smn

To.

1) The Additional District Judge,
FTC.No.4 Coimbatore at Tiruppur.

+1 cc to Mr.K.J.Sivakumar, Advocate, S.R.No.11235

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SSI (CO)
SSM(17/06/2019)



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