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IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 14.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. No.1993 of 2010
and M.P.No.1 of 2010

The Managing Director,
Tamilnadu State Transport Corporation,
Villupuram.

... Appellant/Respondent

Versus

Palaniammal

... Respondent/Claimant

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.186 of 2006 dated 16.12.2009, on the file of the Motor Accidents Claims Tribunal /Principal Sub Judge, Villupuram.

For Appellant :Mr.V.Ramesh
For Respondent :No appearance

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.186 of 2006 dated 16.12.2009, the appellant preferred this Civil Miscellaneous Appeal.

2. On 29.10.2005 at about 7.00 p.m, the respondent was traveling in a Government bus bearing Registration No.TN 32 N 1969. When he get down from the bus at Ariyalur Thirukkai village bus stop, the driver of the bus suddenly started the bus without care and caution. Out of the said accident, the respondent sustained injuries grievous injuries. Hence, the respondent herein has filed a petition in M.C.O.P.No.186 of 2006 before the Motor Accidents Claims Tribunal /Principal Sub Judge, Villupuram, claiming a sum of Rs.2,50,000/- towards compensation. The Claims Tribunal, on a consideration of oral and documentary evidence, awarded a sum of Rs.55,000/- payable with interest at the rate of 7.5% per annum.



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

4. Despite notice served to respondent, name also printed in the cause list, there is no representation on behalf of the respondent.

5. Heard Mr.V.Ramesh, learned counsel for 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.

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 be 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.C.O.P.No.186 of 2006 dated 16.12.2009, on the file of the Motor Accidents Claims Tribunal / Principal Sub Judge, Villupuram.

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

c) On such deposit, the respondent / claimant is permitted to withdraw the said 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.

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Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

vum

To.

The Principal Subordinate Judge,
Motor Accidents Claims Tribunal/
Villupuram.

Copy to:

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

C.M.A. No.1993 of 2010
and M.P.No.1 of 2010

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nr 25/09/2019