

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. No.2226 of 2010 and

M.P.No.1 of 2010

The Managing Director,
Tamil Nadu State Transport
Corporation Limited, Division I
No. 37, Mettupalayam Road,
Coimbatore. Appellant

Versus

Vigneswari Respondent

Prayer: This Appeal is filed under Section 173 of Motor Vehicles Act, to set aside the award made in M.C.O.P.No. 180 of 2007 dated 04.05.2009 on the file of the Motor Vehicles Accident Claims Tribunal and Additional District Judge, Fast Track Court No.4, Coimbatore at Tiruppur.

For Appellant : Mr.K.J. Siva Kumar

For Respondent : Mr.Ma.P.Thangavel

J U D G M E N T

This appeal has been filed against the Judgment and Decree made in M.C.O.P.No. 180 of 2007 dated 04.05.2009 on the file of the Motor Vehicles Accident Claims Tribunal (Additional District Judge cum Fast Track Court - IV) Coimbatore at Tiruppur.

2. On 11.11.2006 at about 12.30 hours, when the respondent herein was riding his vehicle bearing Registration No. T-N-39-A-E-0267 at Tiruppur to Avinasi Main Road, the appellant bus bearing Registration No. T-N-43-N-0335 came in the opposite direction at a very high speed and dashed the vehicle of the respondent. In the result, the respondent herein sustained grievous injuries and filed M.C.O.P.No.180 of 2007, on the file of the Motor Accident Claims Tribunal and Additional District

Judge, Fast Track Court - IV, Coimbatore at Trippur, seeking compensation for a sum of Rs.7,00,000/-. The Tribunal, on a consideration of oral and documentary evidence, has awarded a sum of Rs.3,48,369/- payable with interest at the rate of 7.5% per annum.

3. Challenging the same as excessive 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, 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 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 dated 04.05.2009 on the file of the Motor Vehicles Accident Claims Tribunal (Additional District Judge cum Fast Track Court - IV) Coimbatore at Trippur, is hereby confirmed.

(b) the appellant/Transport Corporation is directed to deposit amount as awarded by the Tribunal, less the amount, if any, already deposited, with interest at the rate of 7.5% within a period of 8 weeks from the date of receipt of copy of this Judgment.

(c) On such deposit the respondent herein is permitted to withdraw the award amount, 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 IV)

//True Copy//

Sub Assistant Registrar

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To

The Motor Vehicles Accident Claims Tribunal,
Additional District Judge, Fast Track Court No.4,
Coimbatore at Tiruppur.

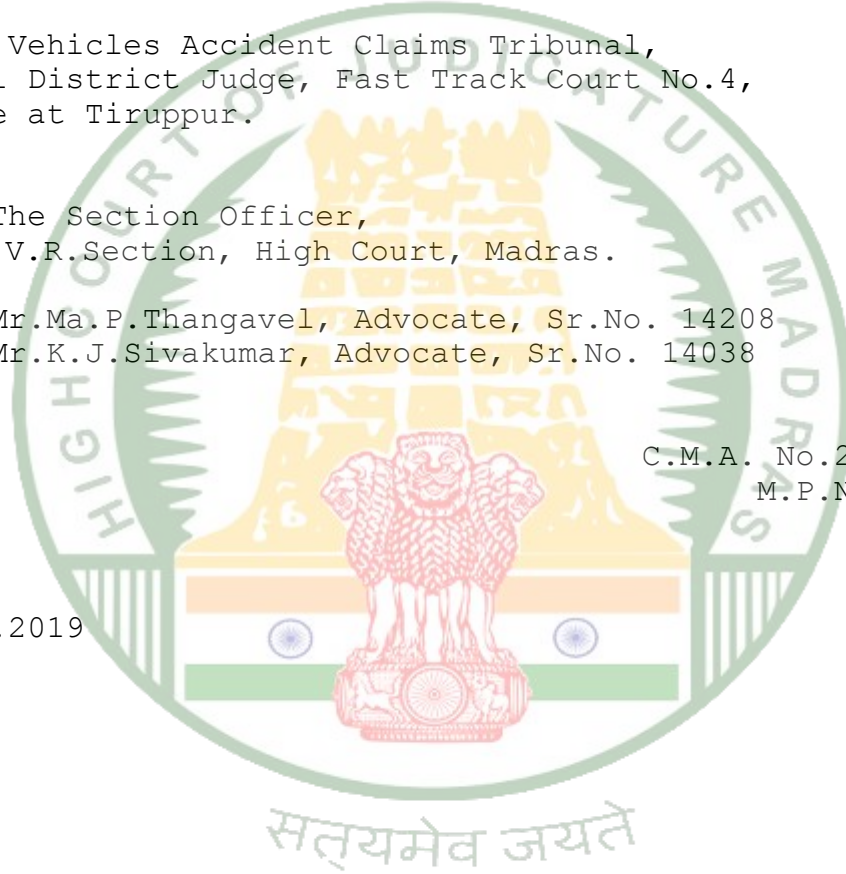
Copy To: The Section Officer,
V.R.Section, High Court, Madras.

+1 cc to Mr.Ma.P.Thangavel, Advocate, Sr.No. 14208

+1 cc to Mr.K.J.Sivakumar, Advocate, Sr.No. 14038

C.M.A. No.2226 of 2010
M.P.No.1 of 2010

SSV(CO)
CSL/31.05.2019



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