

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2019

CORAM:

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

CMA.No.2163 of 2009 &
Cros.Obj.No.90 of 2009

CMA.No.2163 of 2009

The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
(Salem Division -1),
No.12, Ramakrishna Road,
Salem Town & District. Appellant

...Vs...

P.Mathesh Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the award dated 16.12.2008 passed in M.C.O.P.No.328 of 2002 on the file of the Motor Accidents Claims Tribunal / Sub Court, Namakkal.

Appellant : No Appearance
Respondent : Mr.Ma.Pa.Thangavel

Cros.Obj.No.90 of 2009

P.Mathesh ... Cross Objector

...Vs...

The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
(Salem Division -1),
No.12, Ramakrishna Road,
Salem Town & District. Respondent

Prayer: Cross Objection filed under Order 41 Rule 22 of the Code of Civil Procedure, against the decree and Judgment dated 16.12.2008 passed in M.C.O.P.No.328 of 2002 on the file of the Motor Accidents Claims Tribunal / Sub Court, Namakkal.

Cross objector : Mr.Ma.Pa.Thangavelu

Respondent : No appearance

JUDGMENT

The Cross Objector is the claimant in M.C.O.P.No.328 of 2002 on the file of the Motor Accident Claims Tribunal / Sub Court, Namakkal. He filed the claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation of Rs.5,00,000/- for the injuries sustained by him in a road accident on 09.01.2002.

2. The parties are referred to as per their ranking before the Tribunal and at appropriate places their ranks in the present Civil Miscellaneous Appeal would also be indicated.

3. The case of the claimant in nutshell is as follows:

On 09.01.2002, the claimant was travelling as a passenger in a bus bearing Registration No. TN 28 N 1082 on Namakkal - Valayapatti Main road and at about 11.15 a.m, the driver of the bus drove the bus rashly and negligently, as a result whereof the bus toppled and he sustained injuries all over his body.

4. According to the claimant, the rash and negligent driving of the driver of the bus belonging to the respondent, was the cause of the accident and that since the said bus belongs to the Tamilnadu State Transport Corporation Limited, they are liable to pay compensation.

5. The learned Subordinate Judge / Motor Accidents Claims Tribunal, Namakkal after analysing the evidence on record, awarded a compensation of Rs.2,07,600/- to the claimant together with interest at the rate of 7.5% per annum to the claimant. Not being satisfied with the quantum of compensation awarded by the Tribunal, the claimant has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

6. Heard Mr.Ma.Pa.Thangavel, learned counsel appearing for the cross objector. No appearance on behalf of the respondent.

7. A perusal of the award passed by the Tribunal shows that the Tribunal after considering the nature of injuries, awarded a just compensation of Rs.2,07,600/- together with interest at the rate of 7.5% per annum and therefore, I do not see any reason to interfere with the same. Hence, the Cross Objection is dismissed.

8. When the Civil Miscellaneous Appeal came up for hearing on 04.11.2019, there was no representation for the appellant and hence was directed to be posted under the caption 'for dismissal' on 05.11.2019. Even today, i.e.,

05.11.2019 there is no representation for the appellant. The learned counsel appearing for the respondent is present.

9. In the result, the Civil Miscellaneous Appeal is dismissed for default. The Cross Objection is dismissed. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

mtl

To

1.The Motor Accident Claims Tribunal
The Subordinate Judge,
Namakkal.

2.The Section Officer,
VR Section, High Court,
Madras.

+1cc to Mr.Ma.P.Thangavel, Advocate, S.R.No.92545

CMA.No.2163 of 2009 &
Cros.Obj.No.90 of 2009

RR(CO)
GN(11/09/2020)

सत्यमेव जयते

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