

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 15.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. No.2548 of 2009 and

M.P.No.1 of 2009

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Villupuram. Appellant/Respondent

Versus

Minor Ramesh
s/o. Govindasamy Respondent/Claimant
(Minor rep by guardian Mother Valli)

Prayer: This Appeal is filed under Section 173 of Motor Vehicles Act, to set aside the award made in M.C.O.P.No. 9 of 2005 dated 31.12.2008 on the file of the Motor Vehicles Accident Claims Tribunal and Fast Track Court Kallakurichi.

For Appellant :Mr. K.J. Sivakumar

J U D G M E N T

This appeal has been filed against the award made in M.C.O.P.No. 9 of 2005 dated 31.12.2008 on the file of the Motor Vehicles Accident Claims Tribunal and Fast Track Court, Kallakurichi.

2. On 11.03.2004 at about 10.15 hours, when the respondent herein was standing in the Nooroli main road, the appellant bus bearing Registration No.32-N-0334 came in the opposite direction and dashed the respondent. In the result the respondent sustained injuries. The accident occurred only due to the negligent attitude of the driver of the appellant bus. Hence, the respondent herein filed M.C.O.P.No.2548 of 2009, on the file of the Motor Accidents Claims Tribunal, Fast Track Court, Kallakurichi seeking compensation for a sum of Rs.3,00,000/-. The Tribunal, on a consideration of oral and documentary evidence, has awarded a sum of Rs.1,00,000/- 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 of counsel for the appellant and perused the materials available on record. Though notice was ordered to the respondents, 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 31.12.2008, on the file of the Motor Vehicles Accident Claims Tribunal Fast Track Court Kallakurichi, in M.C.O.P. No.9 of 2005 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 III)

//True Copy//

Sub Assistant Registrar

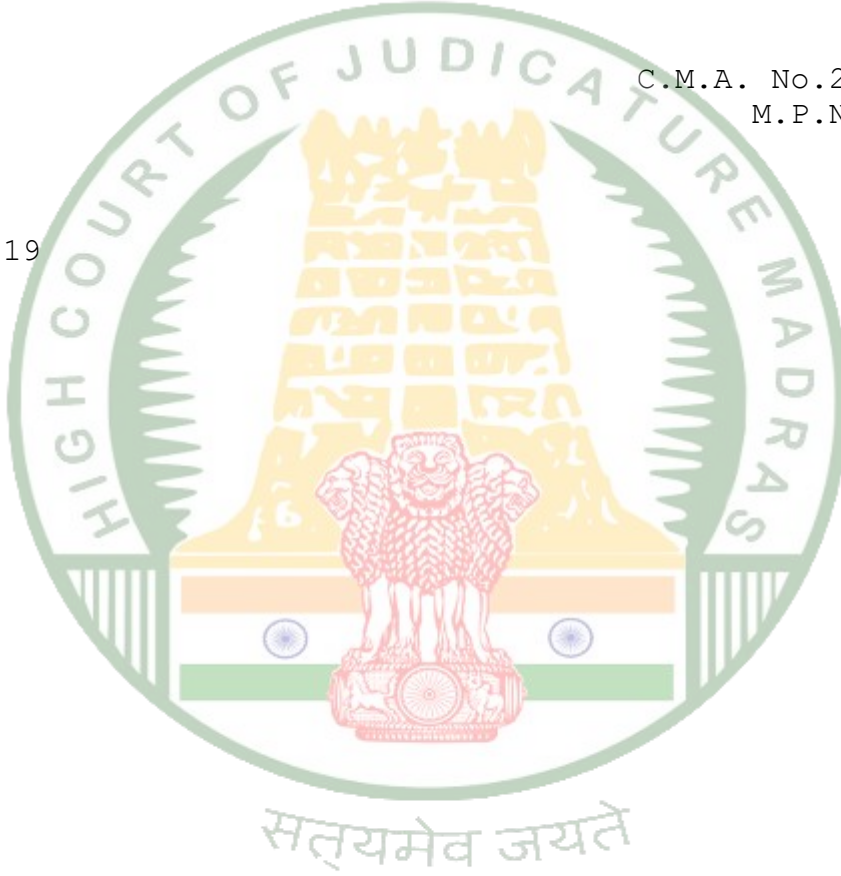
To

The Presiding Judge,
The Motor Vehicles Accident Claims Tribunal and
Fast Track Court Kallakurichi.

+lcc to Mr.K.J.Sivakumar, Advocate sr.14037

C.M.A. No.2548 of 2009
M.P.No.1 of 2009

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srg 7/6/2019



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