

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 13.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. No.3125 of 2010
and M.P.No.1 of 2010

The Managing Director,
Tamilnadu State Transport Corporation Ltd,
(Villupuram Division II) Ltd,
Vellore. ... Appellant / Respondent

Versus

Patchaiappan ... Respondent / Petitioner

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.61 of 2005 dated 20.07.2009, on the file of the Motor Accidents Claims Tribunal /learned Subordinate Judge, Cheyyar, Thiruvannamali District.

For Appellant : Mr.K.J.Sivakumar

For Respondent : Notice not ready

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.61 of 2005 dated 20.07.2009, the appellant / Tamilnadu Sate Transport Corporation Ltd., preferred this Civil Miscellaneous Appeal.

2. The facts of the case are that on 30.09.2004 at about 4.30 p.m when the respondent was riding a bicycle on extreme left near Soundari Theatre on Kancheepuram road, a bus belongs to the appellant bearing Registration No.TN 23 N 1488 came in rash and negligent manner and dashed against the respondent. Out of the said accident, the respondent sustained grievous injuries all over the body. Therefore, the respondent filed a petition in M.C.O.P.No.61 of 2005 before the Motor Accidents Claims Tribunal /learned Subordinate Judge, Cheyyar, Thiruvannamali District, claiming a sum of Rs.4,00,000/- towards compensation. The Claims Tribunal, on consideration of the oral and documentary evidence, awarded a sum of Rs.2,07,000/- payable with interest at the rate of 7.5% per annum.

3. Challenging the award of compensation as excessive and disproportionate, the appellant/ the Tamilnadu State Transport Corporation Ltd., is before this Court by way of filing this Civil Miscellaneous Appeal.

4. Heard the learned counsel for the appellant and perused the materials available on record. Though this Court ordered notice to the respondent, even after receipt of the notice there was no appearance of the respondents

5. Upon perusing the entire award of the Tribunal, it is seen that the Claims 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 Tamilnadu State Transport Corporation Ltd., and hence the negligence on the part of the driver of the bus belonging to Tamilnadu State Transport Corporation and the quantum of compensation assessed by the Tribunal, cannot be said to be improper. Therefore, this present appeal is liable to be dismissed.

6. In the result,

a) This Civil Miscellaneous Appeal is dismissed by confirming the award passed by the Tribunal in M.C.O.P.No.61 of 2005 dated 20.07.2009, on the file of the Motor Accidents Claims Tribunal /learned Subordinate Judge, Cheyyar, Thiruvannamali District.

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

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

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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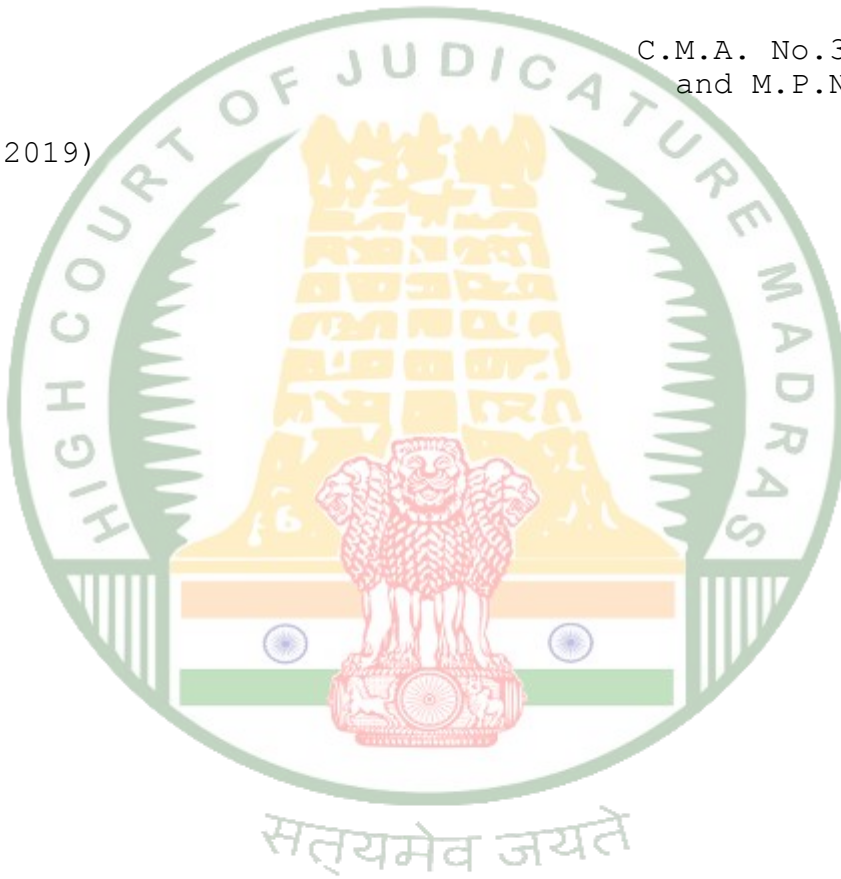
The Subordinate Judge /
The Motor Accidents Claims Tribunal,
Cheyyar, Thiruvannamali District.

copy to: The Section Officer,
VR Section, High Court, Madras.

+1 cc to Mr.K.J.Sivakumar, Advocate, S.R.No.12708

RJI (CO)
SSM(30/05/2019)

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