

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 15.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. No.355 of 2009
and M.P.No.1 of 2009

The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Salem Division -I
12, Ramakrishna Road,
Salem.

... Appellant/Respondent

Versus

1. S.V.Karunambal
2. S.Senthil Kumar
3. S.Maheesrabhu

... Respondents/Claimants

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.1009 of 2006 dated 28.02.2008, on the file of the Motor Accidents Claims Tribunal / Additional District Judge, Fast Track Court No.IV, Coimbatore at Tiruppur.

For Appellant : Mr.K.J.Sivakumar

For Respondents: 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.1009 of 2006 dated 28.02.2008, the appellant preferred this Civil Miscellaneous Appeal.

2.The facts of the case are that on 21.06.2006 at about 11.45 hours, when the deceased A.Sivasamy was riding a moped TAP 5267 from east to west to N.H.47road in front of Saminathan Petrol Bunk, Avinashi, the bus bearing Registration No.TN 27 1685 driven by its driver rashly and negligently and dashed against the deceased A.Sivasamy as a result he died due to the injuries sustained. Hence, the legal heirs of the deceased filed a petition in M.C.O.P.No.1009 of 2006 before the Motor Accidents Claims Tribunal / Fast Track Court No.IV, Coimbatore at Tiruppur, claiming a sum of Rs.8,00,000/- towards compensation.

The Claims Tribunal, on a consideration of oral and documentary evidence, awarded a sum of Rs.4,49,000/- payable with interest at the rate of 7.5% per annum from the date of petition to till the date of payment.

3. Challenging the amount ordered by the Tribunal as excessive and disproportionate, the appellant 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.

5. As far as the award of compensation is concerned, this Court is not inclined to disturb the award, as 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 filed by the appellant, and the quantum of compensation assessed by the Tribunal, cannot be said to be improper.

7. The Tribunal has properly applied its mind and awarded the compensation in the appropriate heads which need not require any modification. In the above circumstances, this Court need not inclined to interfere with the award passed by the Tribunal. Therefore, the appeal is liable to be dismissed.

8. In the result,

a) This Civil Miscellaneous Appeal is dismissed by confirming the award passed by the Tribunal in M.C.O.P.No.1009 of 2006 dated 28.02.2008, on the file of the Motor Accidents Claims Tribunal / Fast Track Court No.IV, Coimbatore at Tiruppur.

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

c) On such deposit, the legal heirs of the deceased are permitted to withdraw the said amount as per the apportionment made by the Tribunal 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(Insp.Cell)

//True Copy//

Sub Assistant Registrar

vum

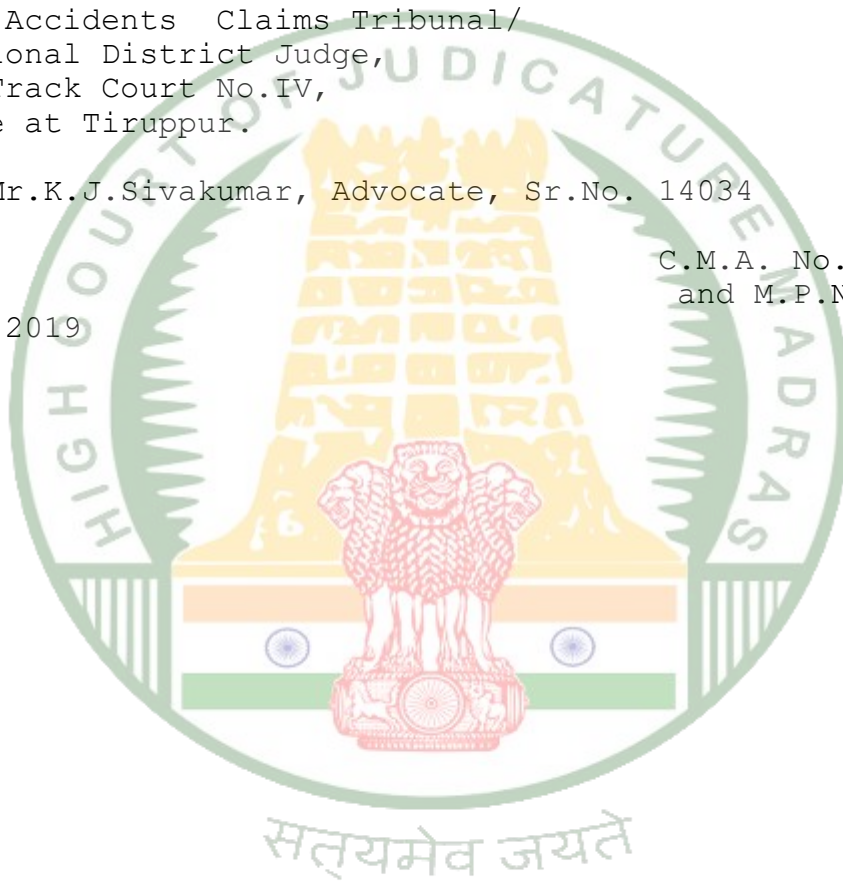
To.

The Motor Accidents Claims Tribunal/
The Additional District Judge,
The Fast Track Court No.IV,
Coimbatore at Tiruppur.

+1 cc to Mr.K.J.Sivakumar, Advocate, Sr.No. 14034

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CSL/11.06.2019



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