

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 15.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. No.423 of 2009  
and M.P.No.1 of 2009

The Managing Director,  
Tamilnadu State Transport Corporation,  
V.P.M. Division 3rd Ltd.,  
Kanchipuram. .... Appellant/Respondent

Versus

A.Thulasi .... 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.5776 of 2003 dated 28.01.2008, on the file of the Motor Accidents Claims Tribunal /II Court of Small Causes, Chennai.

For Appellant : Mr.K.J.Sivakumar

For Respondent : 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.5776 of 2003 dated 28.01.2008, the appellant preferred this Civil Miscellaneous Appeal.

2. On 15.12.2002 at about 12.50 hours, when the respondent was travelling as a passenger in T.N.S.T.C. bus bearing Registration No.TN 21 N 0614 proceeding from Chennai to Kanchipuram in Kanchipuram High Road, near Maniivakkam check-post bus stop. at that time, the driver of the bus drove the same in a rash and negligent manner endangering public safety and he applied sudden break, the respondent was thrown out from the bus. As a result, the respondent sustained grievous injuries all over the body. Hence, the respondent has filed a petition in M.C.O.P.No.5776 of 2003 before the Motor Accidents Claims Tribunal /II Court of Small Causes, Chennai, claiming a sum of

Rs.22,70,000/- towards compensation. The Claims Tribunal, on a consideration of oral and documentary evidence, awarded a sum of Rs.3,33,375/- payable with interest at the rate of 7.5% per annum from the date of filing petition to till the date of payment.

3. Challenging the same 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 same, as the Tribunal has applied its mind and awarded compensation properly, which do not warrant interference.

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. 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 on merits by confirming the award passed by the Tribunal in M.C.O.P.No.5776 of 2003 dated 28.01.2008, on the file of the Motor Accidents Claims Tribunal / II Court of Small Causes, Chennai.

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

c) On such deposit, the respondent / claimant is permitted to withdraw the said amount 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 IV)

//True Copy//

Sub Assistant Registrar

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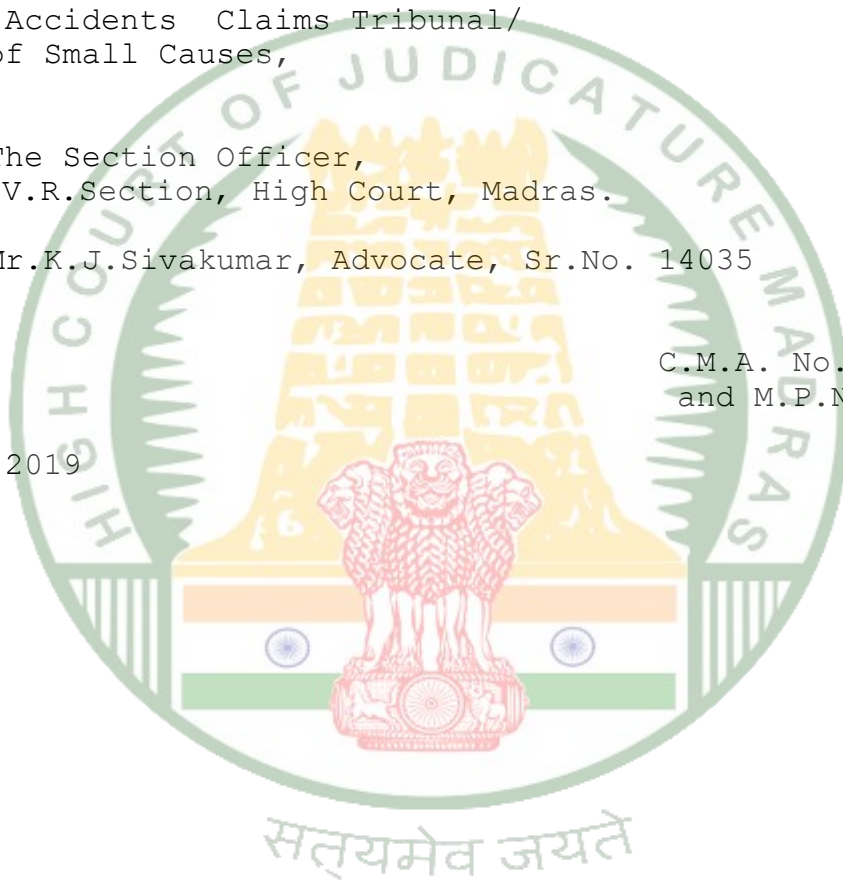
The Motor Accidents Claims Tribunal/  
II Court of Small Causes,  
Chennai.

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

+1 cc to Mr.K.J.Sivakumar, Advocate, Sr.No. 14035

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skv(co)  
CSL/30.05.2019



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