

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 15.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. No.436 of 2009
and M.P.No.1 of 2009

The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
(Division -I) 37, Mettupalayam Road,
Coimbatore. Appellant/Respondent

Versus

Valliammal Respondent/Petitioner

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the award made in M.C.O.P.No.1373 of 2006 dated 18.06.2008, on the file of the Motor Accidents Claims Tribunal / Additional District Judge, Fast Track court No V, Coimbatore at Tiruppur.

For Appellant : Mr.K.J.Sivakumar

For Respondents: Mr.MA.P.Thangavel

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.1373 of 2006 dated 18.06.2008, the appellant preferred this Civil Miscellaneous Appeal.

2.The facts of the case are that on 21.10.2006 at about 11.30 hours, when the respondent was traveling as pillion rider in Two wheeler bearing Registration No.TN 41 d 2741 from south to north in the Avinashi to Tirupur road at Ammapalayam, the bus bearing Registration No.TN 38 N 0429 belongs to the appellant driven by its driver from behind rashly and negligently and dashed against the two wheeler causing injuries to the respondent. Hence, the respondent filed a petition in M.C.O.P.No.1373 of 2006 before the Motor Accidents Claims

Tribunal / Additional District Judge, Fast Track court No V, Coimbatore at Tiruppur, claiming a sum of Rs.5,00,000/- towards compensation. The Claims Tribunal, on a consideration of oral and documentary evidence, awarded a sum of Rs.2,41,650/- 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 either side and perused the materials available on record.

5. It is the case of injuries sustained by the victim in the accident. 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. Since, the Tribunal while going into the evidence of both parties and the manner of injuries, had properly assessed and passed the award with correct heads which need not be interfered by this Court.

8. 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.

9. In the result,

a) This Civil Miscellaneous Appeal is dismissed by confirming the award passed by the Tribunal in M.C.O.P.No.1373 of 2006 dated 18.06.2008, on the file of the Motor Accidents Claims Tribunal / Additional District Judge, Fast Track court No V, 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 respondent/claimant is 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

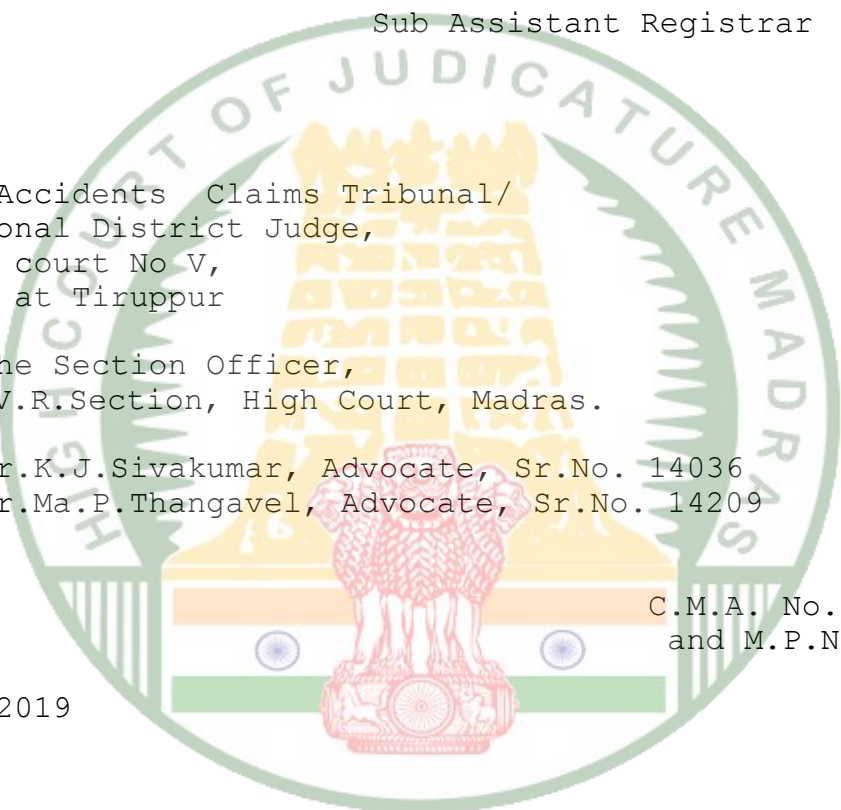
To
The Motor Accidents Claims Tribunal/
The Additional District Judge,
Fast Track court No V,
Coimbatore at Tiruppur

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

+1 cc to Mr.K.J.Sivakumar, Advocate, Sr.No. 14036
+1 cc to Mr.Ma.P.Thangavel, Advocate, Sr.No. 14209

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PM(CO)
CSL/17.06.2019

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the gopuram is a red elephant. The entire emblem is set against a green background with a white border. The words 'HIGH COURT OF JUDICATURE MADRAS' are written in a circular path around the emblem. At the bottom, the Sanskrit motto 'सत्यमेव जयते' (Satyameva Jayate) is inscribed in Devanagari script.

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