

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 12.02.2019

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.M.A. No.643 of 2010
and M.P.No.1 of 2010

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

Versus

S. Krishnamoorthy ... Respondent/Petitioner

Prayer: This Appeal is filed under Section 173 of Motor Vehicles Act, against the Judgment and Decree dated 11.06.2009 made in M.C.O.P.No. 345 of 2007, on the file of the Motor Vehicles Accidents Claims Tribunal, II Additional Sub Court, Villupuram.

For Appellant : Mr.V. Ramesh

For Respondent : Mrs. A.L.Abirami
Legal Aid Counsel

J U D G M E N T

Challenging the negligence as well as the quantum of compensation awarded by the Claims Tribunal, in M.C.O.P.No. 345 of 2007, on the file of the Motor Vehicles Accidents Claims Tribunal, II Additional Sub Court, Villupuram the Tamil Nadu Transport Corporation has preferred this Civil Miscellaneous Appeal.

2. The accident occurred on 24.03.2007 at 3:45 a.m when the respondent herein was going in his bullock cart near vadathesar village to Veeracholapuram, the appellant bus bearing Regn.No.TN-32-N-2291 came in the opposite direction and hit the bullock cart of the respondent, thereby, he sustained grievous injuries. The accident occurred only due to the rash and

negligent act of the driver of the bus. Hence, the respondent has filed M.C.O.P.No.345 of 2007, before the Motor Accident Claims Tribunal, seeking compensation for a sum of Rs.7,20,0,00/-. The Tribunal, on a consideration of oral and documentary evidence, has awarded a sum of Rs.95,000/- 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 appellant. Even though notice was served to the respondent there is no representation on their behalf hence, the Registry was directed to appoint Legal Aid Advocate Mrs.A.L.Abirami, to pursue the matter. Accordingly, the said legal aid advocate was appointed and she appeared and argued on behalf of the sole respondent.

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.

7. In the result,

(a) this appeal is dismissed, confirming the Judgment of the Tribunal in M.C.O.P.No.345 of 2007, dated 11.06.2009.

(b) the Tamil Nadu Transport Corporation is directed to deposit amount as awarded by the Tribunal with the interest at the rate of 7.5% within a period of 8 weeks from the date of receipt of copy of this order.

(c) On such deposit the respondents/claimants is permitted to withdraw the 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.

8. The counsel, who was appointed and appeared before this Court for the sole respondent is entitled to get a sum of Rs.5,000/- towards his fees which shall be paid by the Tamil

Nadu Legal Services Authority, Chennai. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

smn

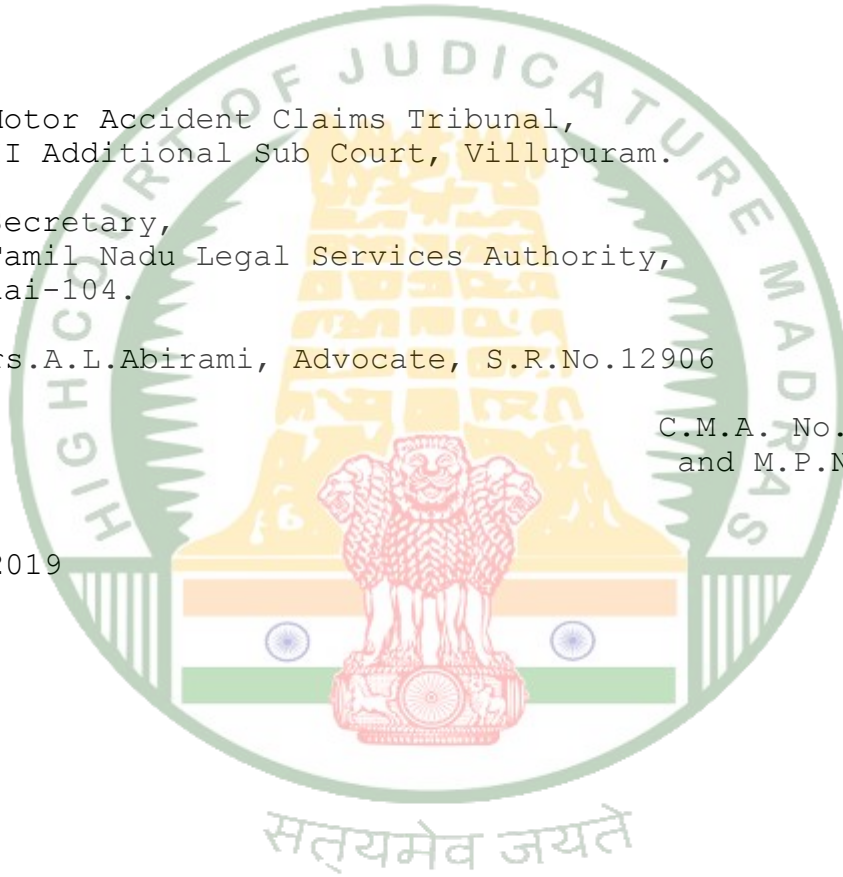
To.

1. The Motor Accident Claims Tribunal,
The II Additional Sub Court, Villupuram.
2. The Secretary,
The Tamil Nadu Legal Services Authority,
Chennai-104.

+1cc to Mrs.A.L.Abirami, Advocate, S.R.No.12906

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NRJK (CO)
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