

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 14.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. No.66 of 2010 and

M.P.No.1 of 2010

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
(Villupuram Division III)
Kancheepuram 631 501 ... Appellant/Respondent

Versus

Minor K.Suresh Gopi. ... Respondent/Claimant

Prayer: This Appeal is filed under Section 173 of Motor Vehicles Act, to set aside the award made in M.C.O.P.No.3274 of 2004 dated 28.01.2009 on the file of the Motor Vehicles Accident Claims Tribunal and Additional District Judge FTC.No.2 Chennai.

For Appellant :Mr.K.J.Sivakumar

J U D G M E N T

This appeal has been filed to set aside the award made in M.C.O.P.No.3274 of 2004 dated 28.01.2009, on the file of the Motor Vehicles Accident Claims Tribunal and Additional District Judge FTC.No.2 Chennai.

2. On 08.07.2004 at about 15.30 hours, when the respondent aged 16 years was riding his cycle in Jawaharlal Nehru 100 feet Road, the appellant bus bearing Registration No.T-N-21-0338 came in a very high speed and dashed the cycle of the respondent. In the result, the respondent herein sustained grievous injuries. Hence, the respondent had filed M.C.O.P.No.3274 of 2004 on the file of the Additional District Judge FTC.No.2 Chennai, seeking compensation for a sum of Rs.3,00,000/-. The Tribunal, on a consideration of oral and documentary evidence, has awarded a sum of Rs.1,51,000/- 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 counsel for the appellant and perused the materials available on record. Though notice was ordered to the respondent, the same is yet to be completed for service.

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. Since, the Tribunal has applied its mind properly and granted the award with the correct head which is well considered order.

7. In the result,

(a) this appeal is dismissed and the Judgment and Decree of the M.C.O.P. No. 3274 of 2004 on the file of the Motor Accident Claims and Additional District Judge FTC.No.2 Chennai, is hereby confirmed.

(b) the appellant/Transport Corporation is directed to deposit amount as awarded by the Tribunal, less the amount, if any, already deposited, with 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 respondent is permitted to withdraw the entire award 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.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

smn

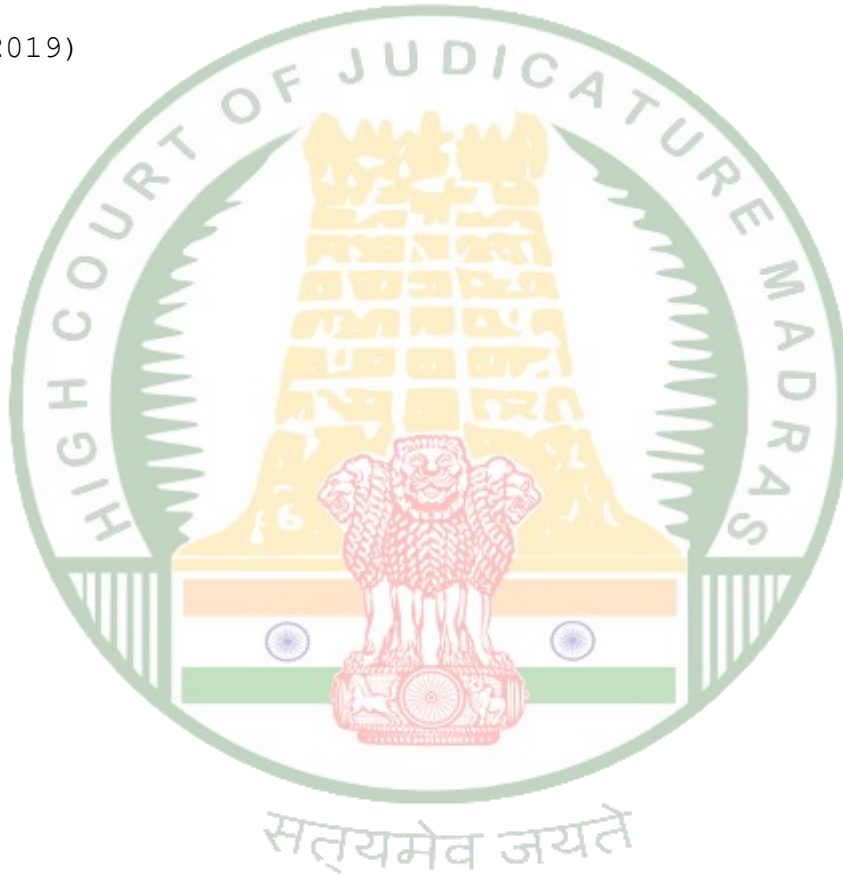
To.

The Motor Vehicles Accident Claims Tribunal
and Additional District Judge FTC.No.2 Chennai.

+lcc to Mr.K.J.Sivakumar, Advocate, S.R.No.13592

C.M.A. No.66 of 2010
M.P.No.1 of 2010

VD(CO)
GN(11/06/2019)



WEB COPY