

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. No.771 of 2010 and

M.P.No.1 of 2010

The Managing Director,
Tamil Nadu State Transport
Corporation,
Villupuram.

... Appellant/ Respondent

Versus

1.Shanthi

2.Gopinath

3.Minor.Raghunath

4.Minor.Ramkumar ... Respondents/ Petitioners

Prayer: This Appeal is filed under Section 173 of Motor Vehicles Act, 1988 to set aside the award made in M.C.O.P.No.172 of 2008 dated 21.10.2009 on the file of the Motor Vehicles Accident Claims Tribunal, Sub Judge, Chithambaram.

For Appellant

:Mr.K.J. Sivakumaar

For Respondents

:Mr.A. Murugan

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.172 of 2008 dated 21.10.2009 on the file of the Motor Vehicles Accident Claims Tribunal, Sub Judge, Chithambaram

2. On 06.01.2008 at about 3:15 p.m the deceased Chandirasu was waiting at Rajiv Gandhi statute Roundana bus stop to go to Kumarakudi. At that point of time the appellant bus bearing Registration No.32-N-1912 stopped the bus in the bus stop in order to alight and get in passengers and the deceased, while trying to get into the

bus, the bus started, hence he fell down and sustained fatal injuries and died in the spot itself. The accident occurred only due to the rash and negligent act of the driver. Therefore, the legal heirs of the deceased who are the respondents herein filed M.C.O.P.No.172 of 2008 on the file of the Motor Vehicles Accident Claims Tribunal Sub Judge, Chithambaram, seeking compensation for a sum of Rs.20,00,000/-. The Tribunal, on a consideration of oral and documentary evidence, has awarded a sum of Rs.6,95,000/- 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 both sides and perused the materials available on record.

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. It is also seen from records that the age of the deceased was 44 years. Thus, considering the age of the deceased this Court is of the view that the award amount granted by the Tribunal is a reasonable one.

6. Though it is fatal but, the Tribunal awarded only minimum compensation and in fact the claimants are not at all filed any petition. The deceased who was aged about 44 years has lost his life and the Tribunal considered the case in a proper manner and granted award which is a well considered order.

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 dated 21.10.2009 passed by the Motor Accident Claims Tribunal (Subordinate Judge) at Chidambaram is hereby confirmed.

(b) the appellant/Transport Corporation is directed to deposit the 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 Judgment.

(c) On such deposit the first and second respondent are permitted to withdraw and the amount, by way of filing proper application before the Tribunal. The amount apportioned as compensation to the minors third and fourth respondent are directed to be deposited in a Nationalised Bank till they attain majority, however, the mother/first claimant is permitted to withdraw accrued interest once in three months.

(e) There will be no order as to costs.

(f) Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(imp cell)

//True Copy//

Sub Assistant Registrar

smn

To.

The Sub Ordinate Judge,
Motor Vehicles Accident Claims Tribunal
Chidambaram

2. The Section Officer,
VR Section,
High Court, Madras

+1cc to Mr.A. Murugan, Advocate SR.No. 17736

+1cc to Mr.K.J. Sivakumaar , Advocate SR.No. 17883

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A.SK(03/07/2019)

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