

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 13.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. No.773 of 2010

The Managing Director,
Tamil Nadu Transport Corporation Ltd.,
Villupuram Division III,
Kanchipuram. ... Appellant/ Respondent

Versus

Kalaiarasu ... Respondent/ Petitioner

Prayer: This Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree, dated 23.01.2009 made in M.C.O.P.No.121 of 2006 on the file of the Motor Accident Claims Tribunal, Fast Track Court No.4, Ponneri.

For Appellant :Mr.V.Ramesh
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.121 of 2006 dated 23.01.2009, the Tamil Nadu Transport Corporation Limited has preferred this Civil Miscellaneous Appeal.

2. On 17.12.2005 when the respondent herein was travelling in the Tracktor bearing Registration No.TN-22-OI-9304 the bus bearing Registration No.T-N-21-N-0414 came in the opposite direction at a very high speed and dashed the Tracktor. In the result, the respondent herein was thrown out of the Tracktor and thereby sustained injuries. The accident occurred only due to the rash and negligent act of the driver of the vehicle. Hence, the respondent herein, has filed the M.C.O.P.No. 121 of 2006 before the file of the Motor Accident Claims Tribunal, Fast Track Court No.4, Ponneri, seeking compensation for a sum

of Rs.1,00,000/- . The Tribunal, on a consideration of oral and documentary evidence, has awarded a sum of Rs.58,500/- payable with interest at the rate of 7.5% per annum.

3. Challenging the same as excessive and disproportionate, the appellant/Transport Corporation 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 respondents, it was returned with the endorsement " not known".

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 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 Tribunal in M.C.O.P.No.121 of 2006, dated 23.01.2009 is confirmed.

(b) the appellant/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 respondent/claimant is permitted to withdraw the amount, by way of filing proper application before the Tribunal.

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

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To.

The Motor Accident Claims Tribunal
Fast Track No.4, Ponneri

The section officer,
VR Section,
High court Madras

C.M.A. No.773 of 2010

A.SK(26/04/2019)



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