

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 14.02.2019

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.M.A.No.942 of 2010 and

M.P.No.1 of 2010

The Managing Director,
Tamil Nadu State Transport
Corporation, (Villupuram Division 111)
Kanchipuram

... Appellant/Respondent

Versus

1. Laxmi,
W/o.Gopu

2. Surya (Minor)
D/o.Gopu

... Respondents

Prayer:

This Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree dated 01.04.2009 and made in M.C.O.P.No. 400 of 2004, on the file of Motor Vehicles Accidents Claims Tribunal, Cheyyar, Tiruvannamalai District.

For Appellant :Mr.V.Ramesh

For Respondents :No Appearance

J U D G M E N T

This appeal has been filed challenging the Judgment and Decree dated 01.04.2009 and made in M.C.O.P.No. 400 of 2004, on the file of Motor Vehicles Accidents Claims Tribunal, Cheyyar, Tiruvannamalai District.

2. On 27.07.2003 at about 7:30 p.m, when the deceased by name Gobi, who is the husband of the first respondent and father of the 2nd respondent was travelling in a bus bearing registration No.T-N-57-N-0891, due to rash and negligent attitude of the driver, the accident took place. In the result,

the deceased Ravi fell down and sustained grievous injuries and died in the spot itself. Hence, the first and second respondents have filed M.C.O.P. No. 400 of 2004 on the Motor Vehicles Accidents Claims Tribunal, Cheyyar, Tiruvannamalai District, seeking compensation for a sum of Rs.6,00,000/-. The Tribunal, on a consideration of oral and documentary evidence, has awarded a sum of Rs.5,89,000/- 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 respondents and 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 is 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 01.04.2009 and made in M.C.O.P.No. 400 of 2004, on the file of Motor Vehicles Accidents Claims Tribunal, Cheyyar, Tiruvannamalai District is confirmed.

(b) the appellant/Insurance company 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 petitioners/ claimants are permitted to withdraw the amount awarded as above by filing proper application before the Tribunal. The amount apportioned as compensation to the second respondent minor is directed to be deposited in a Nationalised Bank till he minor attains 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(CS VIII)

//True Copy//

Sub Assistant Registrar

smn

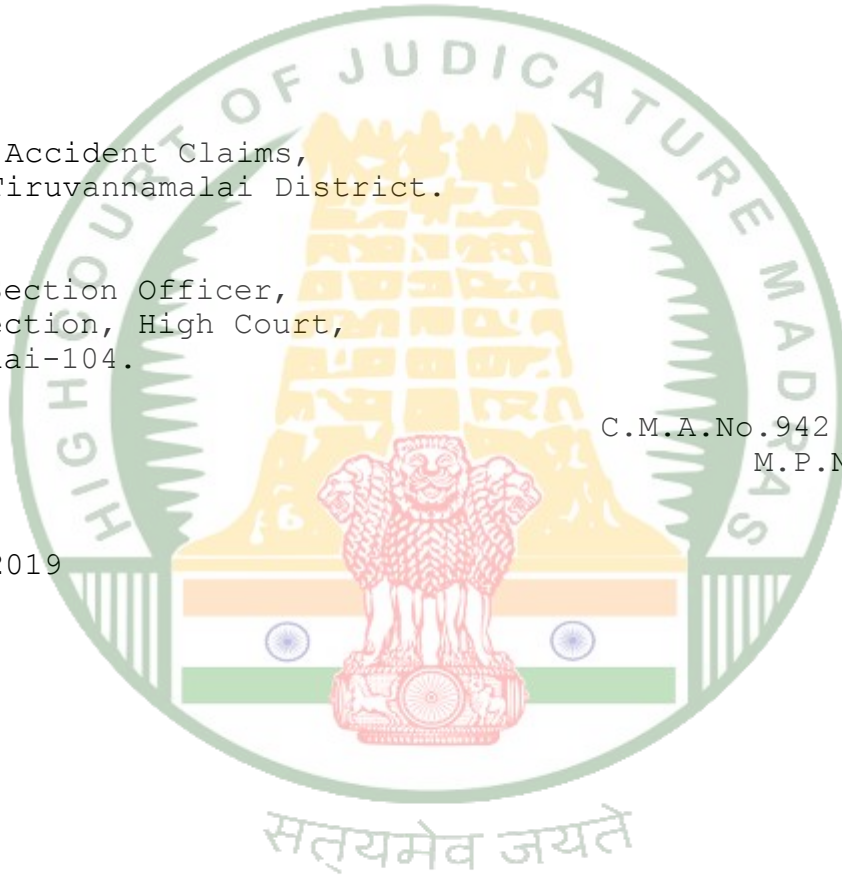
To.

The Motor Accident Claims,
Cheyyar, Tiruvannamalai District.

Copy To
The Section Officer,
VR Section, High Court,
Chennai-104.

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PVS (CO)
CS/01/08/2019



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