

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2019

CORAM:

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

CMA.No.1937 of 2014

The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division - II, Rangapuram,
Vellore. ...Appellant/Respondent

vs.

1.Murali
2.Valli ...Respondents/Petitioners

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the decree and Judgment dated 29.07.2013 passed in MCOP.No.723 of 2013 on the file of the Motor Accident Claims Tribunal / Special Sub Court, Tirupattur.

Appellant : Mr.S.V.Vasanthakumar

Respondents : No appearance

JUDGMENT

The appellant, the Managing Director, Tamil Nadu State Transport Corporation is the respondent in MCOP.No.723 of 2013 on the file of the Motor Accident Claims Tribunal / Special Sub Court, Tirupattur. The claimants filed the claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation of Rs.10,00,000/- for the death of their daughter Seetha in a road accident on 04.09.2010.

2. The case of the claimants in nutshell is as follows:

On 04.09.2010, the deceased Seetha was riding her bicycle along Tirupattur - Vaniyambadi Main Road, opposite to Palnankuppam Junction and at about 10.30 a.m, a speeding TNSTC bus bearing Registration No. TN 23 N 1262 hit her, as a result whereof, she sustained fatal injuries and died on the spot.

3. According to the claimants, the rash and negligent driving of the driver of the TNSTC bus bearing Registration No.

TN 23 N 1262, was the cause of the accident and that since the said bus belongs to the Tamil Nadu State Transport Corporation, they are liable to pay compensation.

4. The present appellant / Tamil Nadu State Transport Corporation contested the claim petition. The learned Special Subordinate Judge / Motor Accidents Claims Tribunal, Tirupattur after analysing the evidence on record, awarded a compensation of Rs.3,90,000/- together with interest at the rate of 7.5% per annum to the claimants. Aggrieved over the orders passed by the Tribunal, the appellant has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. Mr.S.V.Vasanthakumar, learned counsel appearing for the appellant would contend that the Tribunal has awarded an exorbitant amount of Rs.3,90,000/-, especially when the deceased was aged 13 years on the date of the accident.

6. No appearance on behalf of the respondents.

7. The Tribunal after considering the decision in R.K.Malik and another vs. Kiran Pal's and others reported in 2009(1) TNMAC 593 (SC), awarded a just compensation of Rs.3,90,000/- and by no stretch of imagination, the Award passed by the Tribunal can be said to be on the higher side. Therefore, the present appeal is liable to be dismissed.

8. In the result,

(i) The Civil Miscellaneous Appeal is dismissed. No costs.

(ii) The orders passed by the Tribunal is upheld.

(iii) The appellant / Tamil Nadu State Transport Corporation is directed to deposit the compensation awarded by the Tribunal i.e., Rs.3,90,000/- (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of MCOP.No.723 of 2013 on the file of the Motor Accident Claims Tribunal / Special Sub Court, Tirupattur within a period of four weeks from the date of receipt of a copy of this order.

(iv) On such deposit being made, the respondents / claimants are at liberty to withdraw the same as per the orders passed by the Tribunal after following due process of law. The ratio of apportionment made by the Tribunal shall be kept intact.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

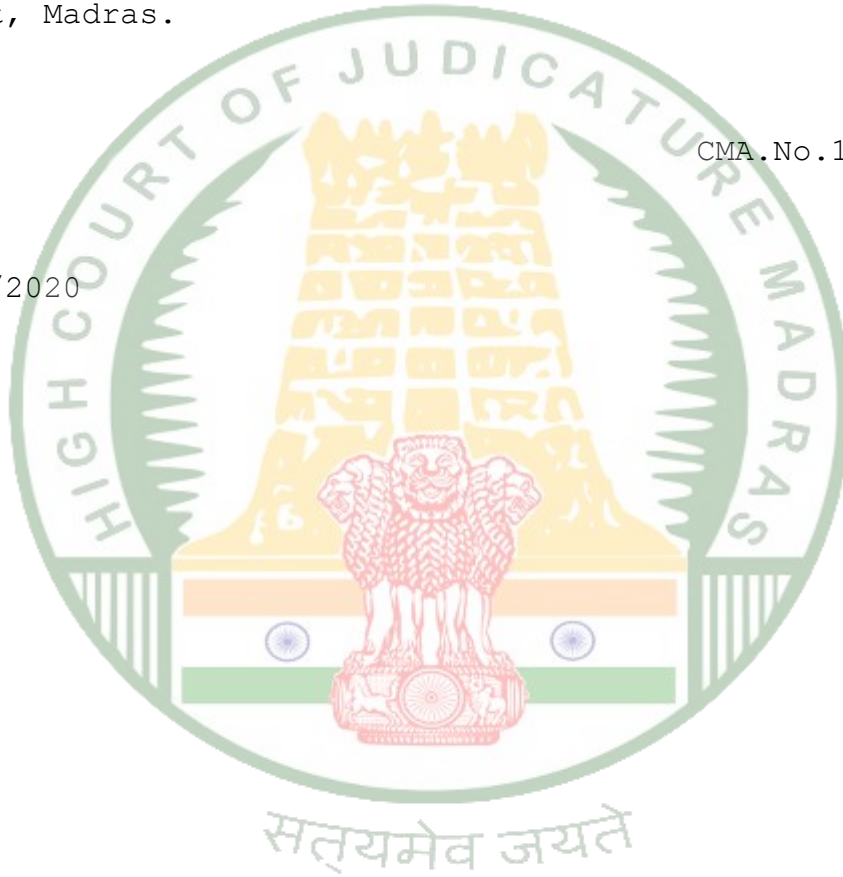
The Motor Accidents Claims Tribunal,
The Special Subordinate Judge,
Tirupattur.

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

CMA.No.1937 of 2014

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