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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2020

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THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No. 4092 of 2008

and

M.P.No.1 of 2008

(Through Video Conferencing)

The Managing Director,  
Tamil Nadu State Transport Corporation Ltd.,  
(Coimbatore Division - II)  
Chinnimalai Road, Erode District. ... Appellant/Respondent

Vs.

1. Shanthi  
2. Maragatham  
3. kandasamy  
4. Minor Revathi  
5. Ammasaimmal  
(Minor petitioner represented by  
mother guardian Shanthi) ... Respondents/Petitioners

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Judgment and Decree in M.C.O.P.No.925 of 2005, dated 04.03.2008, on the file of the Motor Accidents Claims Tribunal, Fast Track Court No.IV, Coimbatore at Tiruppur.

For Appellant : Mr.Arun  
for Mr.A.Sundaravanan

For Respondents: R1 to R3 - No appearance  
R4 - Minor rep by R1  
R5 - Not ready in notice

JUDGMENT

Though notice has been served on the respondents, there is no appearance on their behalf. Since, no adverse orders are proposed to be passed against the respondents, I am taking up this appeal and disposing the same.



2. The appellant is the Managing Director of the Tamil Nadu State Transport Corporation, Erode and is aggrieved by the impugned Judgment and Decree dated 04.03.2008 passed by the Motor Accidents Claims Tribunal (Fast Track Court No.IV, Coimbatore) at Tiruppur in M.C.O.P.No.925 of 2005.

3. By the impugned Judgment and Decree, the Tribunal has awarded a sum of Rs.3,75,000/- together with interest at 7.5% per annum from the date of filing of the claim petition, till the date of payment, to the first to fifth respondents/claimants, who are the wife, three children and mother of the deceased Mani @ Karuppusamy, who met with an accident on 11.09.2005.

4. It is noticed that the Tribunal has considered the evidences on record and has awarded a fair compensation based on the available records. Since there is no representation on behalf of the respondents, I am dismissing this appeal, without prejudice to the rights of the respondents/claimants to claim for enhancement of compensation, in case, they have already preferred an appeal before this Court against the impugned Judgment and decree.

5. The Appellant/State Transport Corporation, is directed to deposit the amount of compensation awarded by the Tribunal together with interest at 7.5% per annum from the date of filing of the claim petition till the date of such deposit, less the amount already deposited if any, within a period of eight weeks from the date of receipt of the copy of this Judgment.

6. On deposit of the award amount, the respondents No.1 to 3 & 5/claimants No.1 to 3 & 5 are entitled to withdraw their respective share, together with interest as directed by the Tribunal, less any amount already withdrawn, by filing suitable application before the Tribunal. If the fourth respondent/fourth claimant attained the age of majority during the pendency of this appeal, she is permitted to file appropriate application for recording the age of majority to withdraw her respective share together with interest, before the Tribunal.

7. With the above observation and direction, this Civil Miscellaneous Appeal is dismissed. No cost. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar



arb

Notes:-In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

The Motor Accidents Claims Tribunal,  
Fast Track Court No.IV, Coimbatore at Tiruppur.

C.M.A.No.4092 of 2008  
and  
M.P.No.1 of 2008

RR(CO)  
CB(26/08/2021)