

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2020

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.A. No.2136 of 2015

And

M.P.No.1 of 2015

The Managing Director,
State Express Transport Corporation Ltd.,
Pallavan Salai,
Chennai-600 002. ... Appellant/Respondent

Vs.

1.Parameshwari
2.Geetha
3.Vanitha
4.Minor Kavitha @ Savitha
5.Minor Sankar
(Minors R-4 and R-5 represented
by their mother Parameshwari/R-1) ... Respondents/Claimants

The Civil Miscellaneous Appeal is preferred under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 23.12.2014 passed in M.C.O.P.No.259 of 2013 on the file of the learned Special District Judge, Special District Court-cum-Motor Accidents Claims Tribunal, Salem.

For Appellant : Mr.S.V.Vasanthakumar

सत्यमेव जयते
J U D G M E N T

The State Express Transport Corporation Limited filed the present Civil Miscellaneous Appeal, challenging the judgment and decree dated 23.12.2014 passed by the learned Special District Judge, Special District Court-cum-Motor Accidents Claims Tribunal, Salem in MCOP No.259 of 2013.

2. The accident occurred on 03.06.2005 at about 04.50 Hours at Salem to Attur Main Road at Pethanaickenpalayam near United Granite Company and Yethapur Police Station registered a case in Crime No.160 of 2005 under Sections 279 and 304 (A) of IPC.

3. The claim petition was filed, seeking compensation of Rs.25 lakhs. The Tribunal adjudicated the issues on merits and found that the appellant/Transport Corporation bus is responsible for the accident and accordingly, fixed the liability.

4. The factum regarding the accident was established and under those circumstances, the Tribunal has granted an award amount of Rs.7,24,800/-.

5. This Court is of the considered opinion that on account of the accident, the victim died on the spot and the claimants are the dependents. There are five dependents, more specifically, the two minors are there. Under these circumstances, the compensation awarded by the Tribunal, cannot be said to be exorbitant and therefore, this Court is not inclined to interfere with the quantum of compensation. This apart, it is brought to the notice of this Court that the award amount had already been deposited and the claimants also had withdrawn the same as per the apportionment granted by the Tribunal.

6. This being the factum, this Court is not inclined to interfere with the judgment and decree dated 23.12.2014 passed by the learned Special District Judge, Special District Court-cum-Motor Accidents Claims Tribunal, Salem in MCOP No.259 of 2013 and accordingly, the judgment and decree passed by the Tribunal in MCOP No.259 of 2013 is confirmed and consequently, C.M.A. No.2136 of 2015 stands dismissed. However, there shall be no order as to costs. The connected miscellaneous petition is also dismissed.

7. The appellant/Transport Corporation is directed to deposit the entire Award amount with accrued interest, if not already deposited, within a period of six weeks from the date of receipt of a copy of this judgment and on such deposit, the respondents/claimants are permitted to withdraw the entire amount with accrued interest at the rate of 7.5% per annum as per the apportionment granted by the Tribunal, by filing an appropriate application. The payments are to be made only through RTGS.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Special District Judge,
Special District Court-cum-
Motor Accidents Claims Tribunal,
Salem.

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

+lcc to Mr.S.V.Vasanthakumar, Advocate, S.R.No. 21494

CMA No.2136 of 2015

VBA (CO)
GN (24/11/2020)



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