

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2020

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.A. No.2175 of 2015

And

M.P.No.1 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
37, Mettupalayam Road,
Coimbatore. ... Respondent/Appellant

Vs.

R.Kamalathal ... Petitioner/Respondent

The Civil Miscellaneous Appeal is preferred under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 27.02.2013 passed in M.C.O.P.No.305 of 2011 on the file of the learned Chief Judicial Magistrate Court-cum-Motor Accidents Claims Tribunal, Tiruppur.

For Appellant : Ms.R.T.Sundari

For Respondent : Mr.Ma.P.Thangavel

J U D G M E N T

The State Transport Corporation Limited filed the present Civil Miscellaneous Appeal, challenging the judgment and decree dated 27.02.2013 passed by the learned Chief Judicial Magistrate, Chief Judicial Magistrate Court-cum-Motor Accidents Claims Tribunal, Tiruppur in MCOP No.305 of 2011.

2. The fatal accident occurred and the deceased died on the spot.

3. The claim petition was filed by the dependents/legal heirs of the deceased and the Tribunal adjudicated the issues with reference to the documents as well as the evidences.

4. The factum regarding the accident was established before the Tribunal and further regarding the quantum of compensation, the appellant/Transport Corporation filed the

present Civil Miscellaneous Appeal. However, this Court is of the considered opinion that the dependent is the claimant and the deceased was the sole breadwinner of the family. The quantum of compensation granted by the Tribunal is Rs.8,33,000/- and the findings arrived by the Tribunal to award the abovesaid quantum is not perverse and undoubtedly in consonance with the principles followed.

5. This Court is of the considered opinion that the quantum of compensation fixed by the Tribunal is Rs.8,33,000/-, cannot be said to be exorbitant and the Tribunal has considered various other factors and further considered that the sole breadwinner of the family died and accordingly, granted compensation. Thus, the grounds raised by the appellant/Transport Corporation for interfering with the judgment and decree of the Tribunal are neither candid nor convincing.

6. This being the factum, this Court is not inclined to interfere with the judgment and decree dated 27.02.2013 passed by the learned Chief Judicial Magistrate, Chief Judicial Magistrate Court-cum-Motor Accidents Claims Tribunal, Tiruppur in MCOP No.305 of 2011 and accordingly, the judgment and decree passed by the Tribunal in MCOP No.305 of 2011 is confirmed and consequently, C.M.A. No.2175 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 respondent/claimant is permitted to withdraw the entire amount with accrued interest at the rate of 7.5% per annum as per the award of the Tribunal, by filing an appropriate application. The payments are to be made only through RTGS.

Sd/-

Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

Svn

To

1.The Chief Judicial Magistrate,
Motor Accidents Claims Tribunal,
Tiruppur.

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

+1cc to Mr.Ma.P.Thangavel, Advocate SR.No.21894

CMA No.2175 of 2015

JP (CO)
GMY (23/11/2020)



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