



*C.M.A.(MD)No.1339 of 2011*

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 08.12.2023**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**C.M.A.(MD)No.1339 of 2011**

**and**

**M.P.(MD)No.2 of 2011**

The State Express Transport  
Corporation Limited,  
Through its Managing Director,  
Pallavan Salai,  
Chennai.

... Appellant

Vs.

1.Pon Esakki

2.Kaniammal

... Respondents

**PRAYER:** Civil Miscellaneous Appeal filed under Order 173 of Motor Vehicles Act, 1988, to set aside the Judgment and decree passed in M.C.O.P.No.1757 of 2007 dated 31.12.2009, on the file of the Motor Accident Claims Tribunal / Principal District Court, Tirunelveli.



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For Appellant : Mr.M.Prakash

For respondent : No appearance

### **JUDGMENT**

This Civil Miscellaneous Appeal is by the appellant Transport Corporation to set aside the Judgment and decree passed in M.C.O.P.No. 1757 of 2007 dated 31.12.2009, on the file of the Motor Accident Claims Tribunal / Principal District Court, Tirunelveli.

2. For the sake of convenience, the parties are referred herein as per their rank before the Trial Court.

3. The brief facts in a nutshell are as follows:

(i) This is a case of fatal. On 08.10.2007 at about 1.00 A.M., the deceased one Mariappan was travelling in a bus bearing registration No. TN 01 N 6512 belonging to the respondent. When the bus reached near Chepakkam village on the Trichy to Chennai main road, the driver of the bus had driven the bus in a rash and negligent manner and dashed against



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the rear portion of the lorry bearing registration No.TN 45 AC 7611 which was parked in the left side of the road. As a result of which, the deceased sustained several injuries and trapped inside the bus and died on the spot itself. An FIR was registered against the driver of the bus. The deceased was doing Agriculture and Land broker work and thereby earned not less than Rs.9,000/- (Rupees Nine Thousand only) per month.

(ii) Hence, the legal heirs of the deceased who are the wife and the mother of the deceased have filed a M.C.O.P.No.1757 of 2007 before the Motor Accident Claims Tribunal / Principal District Court, Tirunelveli, for the loss of life of deceased Mariappan. Two witnesses were examined and Ex.P.1 to Ex.P.6 were marked on the side of the petitioners. One witness was examined and no documentary evidence was marked on the side of the respondent. After considering the oral and documentary evidence, the learned Tribunal held that the accident had occurred only due to the rash and negligent driving of the driver of the bus and fixed the liability on the part of the respondent and also awarded a sum of Rs.6,00,500/- (Rupees Six Lakhs and Five Hundred only) as compensation with interest at 9% p.a. from the date of petition. Aggrieved by that award, the appellant / The



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Tamil Nadu State Transport Corporation has filed the present appeal.

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4. Heard the learned Counsel appearing for the appellant and perused the materials available on record.

5. On critical perusal of the entire award, it is clear that the Tribunal has rightly assessed the oral and documentary evidence and arrived at a just and reasonable compensation. In view of the same, this Court is of the considered view that it is not necessary to interfere with the award passed by the Tribunal except the interest portion. The interest to the award fixed at 9% per annum is reduced to 7.5% per annum. Accordingly, this Civil Miscellaneous Appeal is partly allowed.

6. The appellant is directed to deposit the entire compensation amount as awarded by the Tribunal with accrued interest at a rate of 7.5% per annum and costs to the credit of M.C.O.P.No.1757 of 2007 before the Motor Accident Claims Tribunal / Principal District Court, Tirunelveli within a period of eight weeks (8) from the date of receipt of copy of this



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judgment, less the amount, if any already deposited. On such deposit, the claimants are permitted to withdraw the said amount, less the amount, if any already withdrawn, by making necessary application before the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

**08.12.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
Sml

To

The Motor Accident Claims Tribunal/  
Principal District Court,  
Tirunelveli.

Copy to

The Section Officer,  
Vernacular Records,  
Madurai Bench of Madras High Court,  
Madurai.



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**L.VICTORIA GOWRI, J.,**

Sml

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