

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

C.M.A. NO.2491 OF 2015  
& M.P.NO.1 OF 2015

The Managing Director,  
SETC, Chennai.

..Appellant/Respondent

Versus

Rajavelu

..Respondent/Petitioner

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 05.03.2015 made in M.C.O.P.No.610 of 2010 on the file of the Motor Accident Claims Tribunal [III Additional District Judge], Puducherry.

For Appellant: Mr.K.J.Sivakumar

J U D G M E N T

The Civil Miscellaneous Appeal is filed against the impugned order passed by the Motor Accident Claims Tribunal [III Additional District Judge], Puducherry, awarding a compensation of Rs.74,000/- along with proportionate interest and with costs.

2.The learned counsel for the appellant challenging the impugned order on the ground that the evidence of P.W.1 not supported by any other independent witness, submitted that the same has been wrongly relied on by the Tribunal, as a result,, the wrong conclusion has been reached with award of Rs.74,000/- for the alleged injuries of fracture sustained by the claimant.

3.This Court is not able to see any merits in the said contention for two reasons. Firstly, the claimant was examined as P.W.1 in order to prove his claim. In support of his evidence, P.W.2 was also examined. The Tribunal after considering the evidence of P.W.2 along with Ex.P1 to Ex.P10, came to the right conclusion that the claimant / respondent herein on 09.04.2010, at about 3.45p.m., while travelling as pillion rider in a Hero Honda Passion motorcycle from south to north on the Cuddalore road, met with an accident, as a result, he had sustained serious injuries. Immediately, he was taken to

Government Hospital, Puducherry. On examination, it was found that the claimant sustained fracture on the base of proximal pholynx in the middle right finger. Therefore, the claim was made for compensation of Rs.3,00,000/-.

4.Secondly, the Tribunal has considered that the passenger bus bearing registration No.TN-01-N-7040 belongs to the appellant / Transport Corporation involved in the accident, causing grievous injuries along with fracture to the claimant, accordingly, the Tribunal has also gone into the correctness of F.I.R. registered by the Puducherry Traffic Inspector in Crime No.190 of 2010 under Sections 279 and 338 IPC. After perusing the F.I.R., the Tribunal has rightly come to the conclusion that the accident that happened on 09.04.2010, at about 15.45hours. Therefore, the police have registered the case against the appellant, on 09.04.2010, at about 16.30 hours, based on the complaint given by the injured. When the evidence adduced by P.W.1 and P.W.2, accident was corroborated by the oral evidence of P.W.2 and also further supported with Ex.P1 to Ex.P10, the meager award of compensation of Rs.74,000/- instead of accepting the total claim of Rs.3,00,000/-, cannot be interfered with by this Court.

5.The appellant / Transport Corporation fairly submits that at the time of passing the impugned award, the appellant has deposited a sum of Rs.25,000/-. Therefore, he is further directed to deposit the entire award amount with proportionate accrued interest and costs, to the credit of M.C.O.P.No.610 of 2010 on the file of the Motor Accident Claims Tribunal [III Additional District Judge], Puducherry, within a period of four weeks from the date of receipt of a copy of this order. On such deposit, it is for the claimant to move an appropriate application before the Tribunal and release the same amount.

6.In that view of the matter, this Civil Miscellaneous Appeal fails and is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sri

To

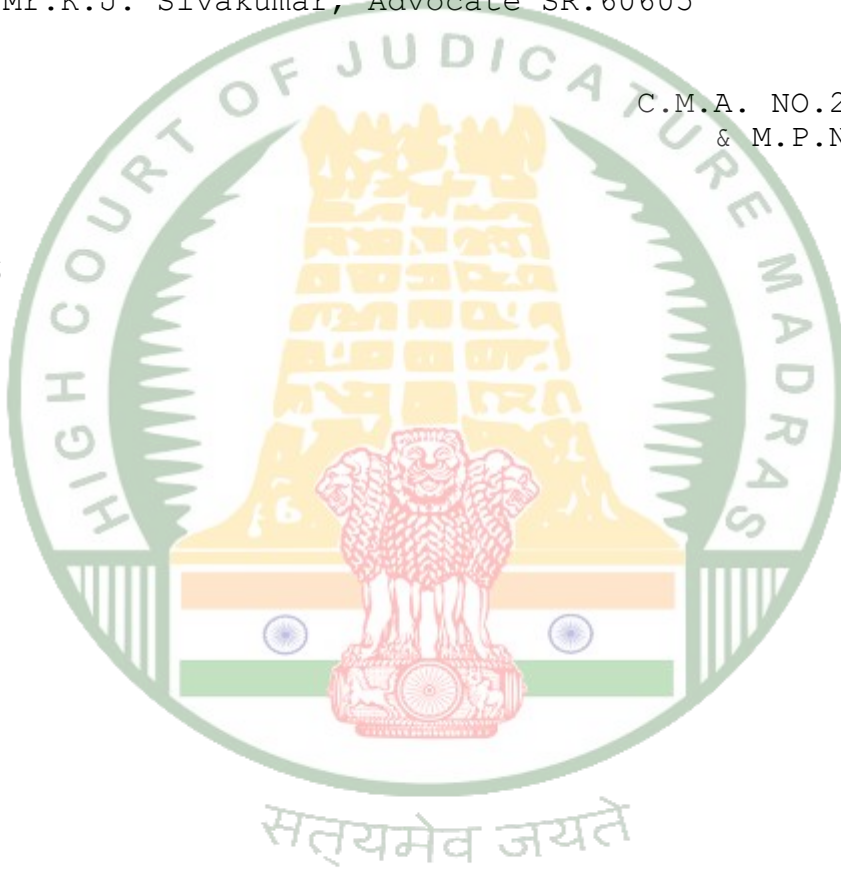
1.The Motor Accident Claims Tribunal  
[III Additional District Judge],  
Puducherry.

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

+ 1 cc to Mr.K.J. Sivakumar, Advocate SR.60605

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