

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2015

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

C.M.A. No. 551 of 2015

&

M.P. No. 1 of 2015

The Managing Director,
Tamil Nadu State Transport
Corporation Ltd.,
No. 37, Mettupalayam Road,
Coimbatore.

...Appellant/2nd respondent

Vs.

1. Karupayee
2. P. Mahesh Kumar
(amended as per I.A. No. 695/2011
dated 15.11.11)

...Respondents/Claimant and
1st Respondent

Prayer: Civil Miscellaneous Appeal filed under section 173 of the motor Vehicles Act 1988 as against the judgment and decree dated 17.05.2012 passed by the Motor Accidents Claims Tribunal (Chief Judicial Magistrate), Erode in M.C.O.P. No. 114 of 2011.

For Appellant :: Mr.S.V. Vasanthakumar

For Respondents:: Mr. Lakshmipathi for
Mr.M. Guruprasad for R1

J U D G M E N T

This Civil Miscellaneous Appeal has been preferred as against the award of Rs. 15,000/- passed by the Motor Accidents Claims Tribunal (Chief Judicial Magistrate), Erode, in favour of the 1st respondent herein, for the injuries sustained by her, in the accident, which occurred on 02.04.2010.

2. Heard Mr.S.V. Vasanthakumar, learned counsel appearing for the appellant and Mr. Lakshmipathi, learned counsel for the 1st respondent.

3. Though it is contended by the learned counsel for the appellant that the registration number of the Transport Corporation bus was not found reflected in the FIR, but, in the absence of any

evidence adduced, on behalf of the appellant, rebutting the evidence of P.W.1, who stated about the registration number of the bus and the manner of accident, the Tribunal was right in believing the evidence of P.W.1 and finding that the accident involved the vehicle belonging to the appellant Transport Corporation and that the driver of the said vehicle was responsible for the accident. Hence, the said finding cannot be found fault with.

4. As far as the quantum of compensation awarded by the Tribunal is concerned, only a sum of Rs.15,000/- was awarded as compensation to the 1st respondent, which is very negligible. The Transport Corporation ought not to have filed an appeal and in fact, the appeal is liable to be dismissed with heavy costs. However, due to judicial restraint, this Court is not imposing any cost on the appellant.

5. In the result, the Civil Miscellaneous Appeal is dismissed confirming the award passed by the Tribunal. No costs. Connected M.P. is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nv

To
The Chief Judicial Magistrate, Erode.

+1cc to Mr.S.V. Vasanthakumar, Advocate, S.R.No.27512
+1cc to Mr.M. Guruprasad, Advocate, S.R.No.27370

KGK (CO)
EU (30/06/2015)

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