



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.DEVADASS

C.M.A. (MD) No.1078 of 2015

and

M.P. (MD) No.1 of 2015

Tamil Nadu State Transport Corporation,
Pudukkottai Division,
Trichy Branch Collector's Office Road,
Tiruchirapalli.

... Appellant/Respondent

Vs.

Kanagaraja

... Respondent/Petitioner

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of M.V.Act, 1988, against the judgment and award made in M.C.O.P.No.1551 of 2007 dated 12.02.2015 on the file of the Motor Accidents Claims Tribunal, III Additional Sub Court, Tiruchirapalli.

For Appellant : Mr.D.Sivaraman

For Respondent : No appearance

ORDER

As the matter is very narrow, we shall dispose this CMA at the admission stage itself. This is State Transport Corporation's Appeal.

2.The respondent travelled in the appellant's bus TN-55/N-0291. The bus was about to leave Central Bus Stop, Trichirapalli, at about that time, the road accident took place involving the said Bus. In this, the respondent injured. The respondent claimed compensation. The Tribunal found the bus driver is responsible for the said accident. The respondent was granted Rs.1,23,160/- with interest at 7.5% p.a. from the date of petition till the date of deposit.

3.The learned counsel for the appellant Transport Corporation contends that the decision of the Tribunal on the question of negligence as well as quantum are flawed.

4.I have anxiously considered the said submission, perused the materials on record and the impugned award of the Tribunal.

5.P.W.2 is an eye witness. It is crystal clear that the bus driver was rash and negligent in driving the bus. The rash down the evidence of P.W.2. In the circumstance, we concur with the finding of the Tribunal that the bus Driver is responsible for the accident.

6.Considering Ex.P.4 the disability certificate, the evidence of P.W.3 the loss of income, suffering on account of pain and medical expenses under relevant heads, the Tribunal has awarded totally to Rs.1,23,160/- considering all the above aspects.



7. We are of the view that the amount awarded by the Tribunal is neither less nor more but it is just.

8. In the circumstances, this appeal fails and it is dismissed. The appellant is directed to deposit the entire award amount, less amount, if any already deposited. On such deposit, the claimant shall be permitted to withdraw the entire amount less amount if any already withdrawn.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Principal District Judge,
Tiruchirapalli.

2. The Motor Accidents Claims Tribunal,
(III Additional Sub Court),
Tiruchirapalli.

+1cc to Mr.D.Sivaraman, Advocate SR.No.52508

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nbj

NS/GSV-PM/06.10.2015 : 2P/4C