

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2016

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

C.M.A.NO.2554 OF 2015

and M.P.No.1 OF 2015

The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram Division - I),
Villupuram.

... Appellant

Vs.

1. Thiruvengadam

2. Josephraj

3. The Divisional Manager,
National Insurance Company Limited,
No.1, Officers Line,
Vellore - 1, Vellore District.

... Respondents

PRAYER: Civil Miscellaneous Appeal has been filed under Section 173 of the Motor Vehicles Act against the Judgment and Decree dated 20.03.2014 made in M.C.O.P.No.45 of 2012 on the file of the Motor Accident Claims Tribunal-cum-Principal Sub Court, Thiruvannamalai.

For Appellant : Mr.S.Sairaman

JUDGMENT

The present appeal has been filed challenging the impugned Award dated 20.03.2014 in M.C.O.P.No.45 of 2012 by the Motor Accident Claims Tribunal-cum-Principal Sub Court, Thiruvannamalai, only awarding a sum of Rs.15,000/-, as against the claim of Rs.30,000/- with interest at the rate of 7.5% from the date of petition.

2. The accident took place on 19.11.2007 at about 16.00 hours opposite to Ramakrishnan Hotel at Thiruvannamalai to Vellore Main Road. When the claimant/first respondent was riding his bi-cycle along with his wife Saraswathi as a pillion rider on the left side of the road in a mud path, the second

respondent drove his two wheeler bearing registration No.TN 32 B 4281 in a rash and negligent manner and hit the bicycle, as a result, the petitioner fell down on the road. At that time, the bus belonging to the first respondent Corporation bearing Registration No.TN 32 N 2457 driven by its Driver in rash and negligent manner dashed the claimant and thereby, he sustained injuries on right leg, right hand and some parts of his body.

3. A First Information Report was registered in the Town Police Station in Crime No.487 of 2007 for the offences under Sections 279, 337 and 304(A) IPC and the case has also taken up by the learned Judicial Magistrate No.I at Thiruvannamalai. Finally, the injured made a claim petition.

4. The Tribunal, after going through the evidence, both oral and documentary, accepted the injuries sustained by the claimant and awarded only a sum of Rs.15,000/- with interest at the rate of 7.5%.

5. Therefore, this Court is not able to find any justification for the Transport Corporation to come with this appeal against the said award. Accordingly, this appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

6. The appellant/Transport Corporation is directed to deposit the Award amount of Rs.15,000/- along with interest 7.5%, as ordered by the Tribunal, within a period of four weeks from the date of receipt of a copy of this order. On such deposit, it is open to the claimant to withdraw the same from the Tribunal along with interest.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

gg

To

The Motor Accident Claims Tribunal-cum-
Principal Sub Court,
Thiruvannamalai.

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Copy to

The Judicial Magistrate No.1
Tiruvannamalai

1 cc to Mr. sairaman, Advocate, Sr. 1257

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