

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 14.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T. MATHIVANAN

C.M.A.No.584 of 2015
and
M.P.No.1 of 2015

The Managing Director,
Tamilnadu State Transport Corporation Limited.,
Kumbakonam.

... Appellant

Versus

M.Karuppasamy

... Respondent

Prayer: Civil Miscellanies Appeal has been filed under Section 173 of the Motor Vehicles Act of 1988, against the Judgement and decree dated 18.11.2011 passed in M.C.O.P.No.140 of 2011 on the file of the Motor Accident Claims Tribunal(Additional District Court Cum FTC-I), Chidambaram.

For Appellant : Mr.V.S.Vijay Veliappan

JUDGMENT

Questioning the quantum of compensation to the extent of Rs.15,000/-, the Tamilnadu State Transport Corporation Ltd., has preferred this Civil Miscellaneous Appeal, under Section 173 of the Motor Vehicles Act of 1988.

2. Heard Mr.V.S. Vijay Veliappan, learned counsel appearing for the appellant/Transport Corporation.

3. This Court has perused the averments of the grounds of the appeal and found that this appeal is deserved to be disposed of at the threshold in the initial stage of admission.

4. The respondent being the injured had moved the Motor Accident Claims Tribunal(Additional District Court Cum FTC-I), Chidambaram, claiming a sum of Rs.1,00,000/-, for the injuries sustained by him, in a road traffic accident, said to have been taken place on 24.02.2009 at about 11.30 a.m., involving a passenger bus bearing Registration No.TN-49/N-1888, belonging to the appellant / Transport Corporation.

5. Despite the contest made by the appellant/Transport Corporation, the Tribunal had proceeded to pass an award of Rs.15,000/- towards the compensation.

6. It is manifested from the records that the respondent/claimant had sustained grievous injuries on his right and left hand and multiple injuries on all over the body.

7. The Tribunal based on the evidences both oral and documentary had found that the respondent/claimant had produced the Accident Register(Ex.P2), which would go to show that he was taking treatment at Government Hospital, Chidambaram. As per Ex.P2, Accident Register, it is understood that the respondent/claimant had sustained abrasion over the right wrist and another abrasion over the right palm. The respondent/claimant had not sustained any other external injuries excepting the above said two injuries, which were opined as simple injuries in nature. One Dr.B. Kanthimathi had issued a certificate in respect of the injuries sustained by the petitioner, which was marked under Ex.P3. However, the said Doctor was not examined as a witness. It also appears that PW2, one Dr.Vetri Veeramani had issued a Disability Certificate, which was marked under Ex.P4. However, as it is found by the Tribunal that the original Accident Register was not at all marked to substantiate the claim of the respondent.

8. Therefore, based on the available records, the Tribunal had found that the respondent/claimant was entitled to get only a sum of Rs.15,000/-. Accordingly, the appellant/Transport Corporation was directed to pay this amount alongwith interest @ 7.5% per annum within a period of one month.

9. This Court, after hearing V.S. Vijay Veliappan, learned counsel appearing for the appellant/ Transport Corporation and on perusal of the award alongwith the grounds of the appeal finds that award granted by the Tribunal does not warrant the interference of this Court. Hence, the appeal deserves to be dismissed, confirming the award passed by the Tribunal.

10. Accordingly, the Civil Miscellaneous Appeal is dismissed. The award passed by the Tribunal is confirmed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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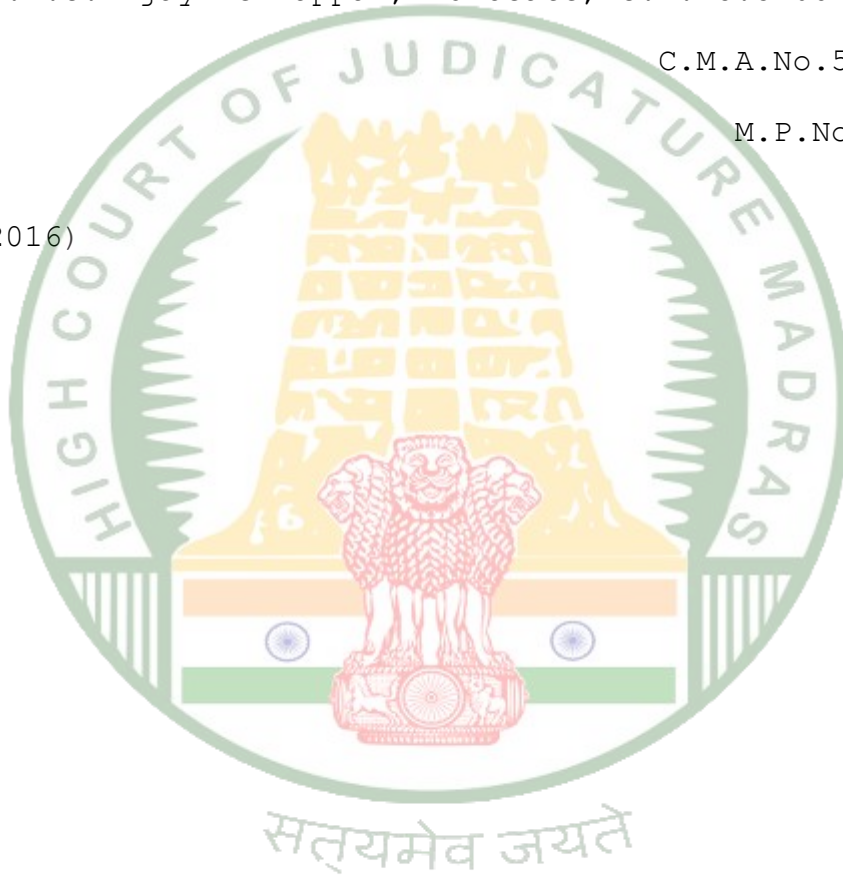
To

The Additional District Judge,
Motor Accident Claims Tribunal,
(Additional District Court Cum FTC-I),
Chidambaram.

+lcc to Mr.V.S.Vijay Veliappan, Advocate, S.R.No.32087

C.M.A.No.584 of 2015
and
M.P.No.1 of 2015

RK(CO)
CA(19/07/2016)



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