



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2016

CORAM:

THE HONOURABLE MS.JUSTICE **V.M.VELUMANI**

**CMA. (MD) No.110 of 2016**

Raveendarsingh

: Appellant/Petitioner

Vs.

Tamil Nadu State Transport Corporation Ltd.,  
Through its Managing Director,  
Trivandrum Road,  
Vannarapettai,  
Tirunelveli.

: Respondent/Respondent

Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Judgment and decree in M.C.O.P.No.530 of 2013 on the file of the Motor Accident Claims Tribunal, (Special Sub Court) Tirunelveli, dated 09.04.2014, allow this appeal and enhance the award amount.

For Appellant : Mr.T.Selvakumaran

### **JUDGMENT**

The appellant is the claimant. He claimed a sum of Rs.10,00,000/- for the injuries suffered by him, in the accident occurred on 16.10.2012. According to the appellant, the accident occurred due to rash and negligent driving by driver of the bus. Due to that, he fell down and sustained injury. The respondent filed counter affidavit and denied all the allegations and stated that the appellant was under the influence of Alcohol and due to that, before bus was stopped, he jumped from the bus and sustained injury. Therefore, he invited the accident by himself and prayed for dismissal of the claim petition.

2.Before the Tribunal, the appellant examined himself as P.W.1 and examined other two witnesses as P.Ws.2 & 3 and marked 9 documents as Ex.P1 to P9. The respondent examined three witnesses as D.Ws.1 to 3 and marked one document as Ex.D1. The statement of the appellant was marked.

3.The Tribunal considering the pleadings, evidence and arguments of the counsel for the parties, dismissed the claim petition filed by the petitioner. Against the said order of



dismissal, the petitioner has filed the present appeal.

4.The learned counsel for the appellant contended that the learned Judge dismissed the claim petition only based on the counter filed by the respondent and not based on the evidence. The appellant belonged to State of Bihar and he does not know Tamil. The learned Judge failed to see that the accident took place only due to rash and negligent driving by driver of the bus. The Tribunal failed to consider the Section 185 of Motor Vehicles Act and prayed for allowing the appeal.

5.I have heard the learned counsel appearing for the appellant and perused the materials available on record.

6.From the materials it is seen that the respondent has let in evidence to prove that the appellant was in influence of Alcohol, when the accident occurred. The appellant also admitted the fact. The respondent also proved that there was no negligent and rash driving on the part of the driver of the bus. No other passenger was injured and the appellant did not speak truth while giving evidence. In view of these facts, the learned Judge dismissed the claim petition by giving valid reasons. There is no reason warranting interference by this Court.

7.In the result, the Civil Miscellaneous Appeal is dismissed. No costs.

Sd/-

Assistant Registrar(CO-Dept)

/True copy/

Sub Assistant Registrar

am

To

The Motor Accident Claims Tribunal,  
(Special Subordinate Judge) Tirunelveli

+one cc to M/s.T.Selvakumaran, Advocate in SR.No.10565/16

CSL/JGB-DP/18.03.2016/2p/3c

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