



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.M.A (MD) No.1443 of 2016

and

C.M.P (MD) No.11981 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam.

... Appellant/
2nd Respondent

Vs.

1.P.Murugan

... 1st Respondent/
Petitioner

2.A.Madavan

... 2nd Respondent/
1st Respondent

PRAYER: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.279 of 2010, dated 17.12.2011 [wrongly mentioned as 16.12.2011 in the grounds of appeal], on the file of the Motor Accident Claims Tribunal cum Chief Judicial Magistrate, Thanjavur, at Kumbakonam.

For Appellant

: Mr.D.Sivaraman

JUDGMENT

This Civil Miscellaneous Appeal has been preferred by the appellant-Transport Corporation against the award of Rs.12,000/- (Rupees Twelve Thousand only) granted to the first respondent, who sustained injuries in the accident occurred on 17.02.2008 involving the appellant-Transport Corporation bus and the motorcycle, in which the first respondent/claimant travelled as a pillion rider.

2. The learned Counsel for the appellant-Transport Corporation would submit that it is only the question of negligence which is being challenged before this Court.

3. Though he has stated that R.W.1 - the driver of the appellant-Transport Corporation bus categorically stated about the negligence of the rider of the motorcycle, the Tribunal, taking into consideration the evidence on the filing of the F.I.R under Ex.P.1 registered against the driver of the appellant-Transport Corporation bus and also the evidence of the eyewitness, categorically gave a finding



that the driver of the appellant-Transport Corporation bus alone was responsible for the accident and therefore, there is no occasion for this Court to take a different view. Moreover, the award of Rs.12,000/- (Rupees Twelve Thousand only) awarded by the Tribunal, is very low.

4. Therefore, this Civil Miscellaneous Appeal fails and the same is dismissed, confirming the judgment and decree passed in M.C.O.P.No.279 of 2010, dated 19.12.2011 passed by the Motor Accident Claims Tribunal cum Chief Judicial Magistrate, Thanjavur, at Kumbakonam. No costs. Consequently, the connected civil miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar

To
The Motor Accident Claims Tribunal cum
Chief Judicial Magistrate,
Thanjavur, at Kumbakonam.

+1cc to Mr.D.Sivaraman, Advocate Sr.No.81371

rsb

sm:RR-BS:01/02/2017:2P/3C

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