



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2016

Coram:

WEB COPY

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

C.M.A (MD) No.324 of 2014
and
M.P (MD).No.2 of 2014

The Managing Director,
Tamil Nadu State Transport Corporation,
Division-I,
Kumbakonam.

.. Appellant/Respondent

-Vs-

Rengasamy

.. Respondent/Petitioner

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow this appeal and to set aside the Judgment and Decree, dated 10.07.2013, passed in MCOP No.1013/2012 on the file of the Motor Accidents Claims Tribunal / I Additional District & Sessions Court (PCR), Thanjavur.

For Appellant : Mr.P.Prabhakaran
For Respondent : No Appearance

JUDGMENT

This Civil Miscellaneous Appeal has been filed to set aside Judgment and Decree, dated 10.07.2013, passed in M.C.O.P.No.1013 of 2012 on the file of the Motor Accidents Claims Tribunal / I Additional District & Sessions Court (PCR), Thanjavur.

2. It is a case of injury caused on account of an accident took place on 11.09.2012, around 07.15 p.m. at Aaduthurai Bus Stop. The injured victim filed a claim petition claiming compensation before the Motor Accidents Claims Tribunal / I Additional District & Sessions Court (PCR), Thanjavur, in M.C.O.P.No.1013 of 2012 and the Tribunal, considering the facts and circumstances, awarded a sum of Rs.70,000/- as total compensation.

3. Challenging the same, the appellant/Tamil Nadu State Transport Corporation preferred this appeal, mainly on the ground that the injured was attempting to board the bus and by losing his balance fell down from the bus and therefore the liability ought to



have been fixed on the injured victim and not on the appellant/Transport Corporation.

4. Considering the facts and circumstances, such an argument advanced by the learned counsel for the appellant cannot be accepted, more specifically in such cases of injury and accordingly, this Court is not inclined to reconsider the award and the order, dated 10.07.2013, made in M.C.O.P.No.1013 of 2012, passed by the Motor Accidents Claims Tribunal/I-Additional District & Sessions Court (PCR), Thanjavur is confirmed.

5. In the result, this Civil Miscellaneous Appeal is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

6. The appellant/Tamil Nadu State Transport Corporation is directed to deposit the entire award amount with accrued interest and costs, to the credit of M.C.O.P.No.1013 of 2012, on the file of the Motor Accidents Claims Tribunal / I-Additional District & Sessions Court (PCR), Thanjavur, within a period of four weeks from the date of receipt of a copy of this judgment, if not already deposited and on such deposit being made, the respondent/claimant is permitted to withdraw the same with accrued interest and costs through RTGS, by filing necessary application before the Tribunal concerned.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Motor Accident Claims Tribunal/
I Additional District & Sessions Court (PCR),
Thanjavur.

2. The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.P.PRABHAKARAN, ADVOCATE IN SR No. 78841

PJL
TE/SS-2-KSM/ : 18/01/2017 : 2P/4C

C.M.A(MD)No.324 of 2014 and
M.P(MD) .No.2 of 2014
02.12.2016