



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 28.06.2016

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.M.A(MD) No.288 of 2016

and

C.M.P. (MD) .No.3999 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Pillaithanneerpandal, Thirumayam Road,
Pudukkottai.

..Appellant

vs.

Govindaraj

..Respondent

Prayer: This Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and award dated 30.06.2014 made in M.C.O.P.No.13 of 2013 passed by the Motor Accidents Claims Tribunal, Sub Court, Pudukkottai.

For Appellant :Mr.D.Sivaraman

For Respondent :Mr.N.Balakrishnan

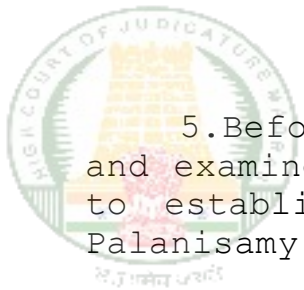
J U D G M E N T

Aggrieved over the award dated 30.06.2014 passed by the Motor Accidents Claims Tribunal, Sub Court, Pudukkottai in M.C.O.P.No.13 of 2013, the Transport Corporation has filed the present appeal.

2.Heard Mr.D.Sivaraman, learned counsel appearing for the appellant and Mr.N.Balakrishnan, learned counsel appearing for the respondent and perused the materials available on record.

3.The brief facts of the case are that on 17.11.2012, when the claimant was proceeding in his motorcycle along with one Palanisamy on Ponnamaravathi to Palakurichi Main Road, the bus bearing Registration No.TN01 N 3979, came in a opposite direction in a rash and negligent manner and hit against the motor cycle. In the impact, the claimant sustained grievous injuries and he preferred a petition claiming compensation of Rs.5,00,000/-, alleging that the accident had occurred due to the negligence of the driver of the bus.

4.The claim was resisted by the appellant Transport Corporation disputing the manner of the accident and their liability contending that the driver of the two wheeler was drunk and he was only responsible for the accident.



5. Before the Tribunal, the claimant examined himself as P.W.2 and examined Doctor Ravikumar as P.W.3 and marked Exs.P.1 to P.16 to establish his case. The Transport Corporation examined one Palanisamy as R.W.1, however, they have not marked any document.

6. P.W.1 and P.W.2 are the eye witnesses to the occurrence. Both have given evidence stating that the driver of the bus came in a rash and negligent manner and hit against the two wheeler. Ex.P.1 is the First Information Report. Ex.P.4 is the rough sketch. Ex.P.12 is the copy of driving licence of the claimant. The Tribunal, while disbelieving the evidence of R.W.1, held that the driver of the bus was responsible for the accident, based on the evidence of P.Ws.1 and 2 and Exs.P.1 and P.4.

7. P.W.1 has given evidence stating that he has sustained fracture on his right hand and grievous injuries on the fore-head. P.W.3/Doctor Ravikumar has corroborated the evidence of P.W.2. Ex.P.15 is x-ray and Ex.P.16 is the disability certificate. P.W.3 deposed that the claimant has sustained 30% disability.

8. The Tribunal by applying Rs.2,000/- per percentage awarded compensation of Rs.60,000/- towards permanent disability and Rs.10,000/- towards pain and sufferings, Rs.5,000/- towards extra nourishment, Rs.5,000/- towards Transport Expenses, based on Ex.P.11, awarded Rs.40,146/- towards medical expenses and Rs.30,000/- towards future medical expenses. Totally, the Tribunal awarded a sum of Rs.1,50,146/- together with interest at the rate of 7.5% p.a.

9. In my considered view, the award of the Tribunal is just, fair and reasonable, which does not warrant any interference by this Court. In the result, the civil miscellaneous appeal is dismissed. The award of the Tribunal is confirmed.

10. It is represented by the learned counsel for the appellant that the entire award amount had already been deposited to the credit of the claim petition. In view of the dismissal of the appeal, the claimant is permitted to withdraw the entire amount, without filing any permission petition before the Tribunal. No costs. Consequently, the connected C.M.P is also closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To
The Motor Accident Claims Tribunal
(Subordinate Judge),
Pudukkottai.



Copy to : The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.D.Sivaraman, Advocate in SR.33818

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