



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.544 of 2014
and
M.P (MD) .No.1 of 2014

The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam)
Railway station New Road
Kumbakonam.

.. Appellant/Respondent

Vs

M.Marimuthu

.. 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, passed in M.C.O.P.No.1020 of 2012, dated 17.02.2014, on the file of the Motor Accidents Claims Tribunal / III- Additional Sub Court, Tiruchirappalli.

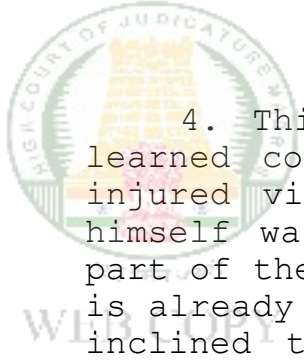
For Appellant : Mr.P.Prabhakaran

JUDGMENT

The Civil Miscellaneous Appeal has been filed to set aside the judgment and decree, passed in M.C.O.P.No.1020 of 2012, dated 17.02.2014, on the file of the Motor Accidents Claims Tribunal / III- Additional Sub Court, Tiruchirappalli.

2. It is a case of an injury caused due to the accident took place on 31.01.2012, around 2.00 a.m. near Keelavatiyam Bus Stand at Tirupur-Trichy Road. The injured filed a claim petition in M.C.O.P.No.1020 of 2012 before the Motor Accidents Claims Tribunal / III- Additional Sub Court, Tiruchirappalli and the Tribunal, considering the facts and circumstances, awarded a sum of Rs.1,75,000/- as total compensation. Aggrieved by the award, the appellant preferred this appeal.

3. The learned counsel for the appellant/Tamil Nadu State Transport Corporation contended that the injured was driving the two-wheeler without wearing helmet and therefore, the Tribunal ought to have fixed the liability on the injured victim.



4. This Court is unable to appreciate the contention of the learned counsel for the appellant, in view of the fact that the injured victim was 40 years old at the time of accident and he himself was a driver. Such being the case, the negligence on the part of the driver of the bus, belongs to the Transport Corporation, is already liable for causing the accident. Hence, this Court is not inclined to interfere with the findings of the Tribunal and it seems, in accordance with the facts and circumstances of the case, that the quantum of compensation is a just compensation. Hence the order passed by the Motor Accidents Claims Tribunal/III-Additional Sub Court, Tiruchirappalli, in M.C.O.P.No.1020 of 2012, dated 17.02.2014, 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.2010 of 2012, on the file of the Motor Accidents Claims Tribunal / III-Additional Sub Court, Tiruchirappalli, 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 entire award amount, with accrued interest and costs, through RTGS, by filing necessary application before the Tribunal concerned.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The IIIrd Additional Subordinate Judge,
Motor Accident Claims Tribunal,
Tiruchirappalli.
2. The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.P.PRABHAKARAN, ADVOCATE IN SR No. 78839

PJL

TE/SS2-KSM : 24/01/2017 : 2P/4C