



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2016

CORAM:

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

C.M.A. (MD) No.691 of 2016

and

C.M.P. (MD) No.7194 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Karaikudi. ... Appellant / Respondent

Vs.

G.Muthukumar ... Respondent / Petitioner

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Accident Act, 1988, against the judgment and decree passed in M.C.O.P.No.29 of 2006 dated 21.09.2010 on the file of the Motor Accident Claims Tribunal / IV Additional Sub Court, Madurai.

For Appellant : Mr.M.Prakash

JUDGMENT

Aggrieved over the award passed by the Motor Accident Claims Tribunal / IV Additional Sub Judge, Madurai in M.C.O.P.No.29 of 2006 the present appeal has been filed by the Transport Corporation.

2.The respondent filed the claim petition alleging that on 20.05.2005 when he was riding the motor cycle bearing registration No.TN58 D0448 near Rajam fruit shop, Yanaikal street, North Veli Street, Madurai, a bus bearing registration No.TN 63 N0678 came in a rash and negligent manner and hit against the motor cycle. In the impact, the claimant sustained grievous injuries and he was immediately taken to Rajaji Government Hospital, Madurai and thereafter, he was admitted at Vikram Hospital, K.K.Nagar, Madurai. The accident had taken place due to the negligence of the driver of the bus.

3.The claim was opposed by the appellant disputing the manner of the accident and the liability. The claimant in support his case, he himself was examined as P.W.1 and marked Ex.P.1 First Information Report. The Tribunal accepting the evidence of the claimant, held that the driver of the bus caused the accident while disbelieving the evidence of R.W.1.



4.P.W.4, Dr.P.S.Shanmugam deposed that the claimant has sustained 59% partial permanent disability. Ex.P.18 is the disability certificate. Ex.Ps.6 to 11 medical bills would show that the claimant has spent Rs.1,92,646/- towards medical expenses. The Tribunal based on the evidence, has totally awarded Rs.3,03,646/- together with interest at 7.5% per annum. I am of the view that the award passed by the Tribunal is fair and reasonable and I do not find any merit in this appeal.

5.In the result, the award of the Tribunal is confirmed and the Civil Miscellaneous Appeal is dismissed. The appellant / Transport Corporation is directed to deposit the entire award amount with accrued interest and costs, within a period of 8 weeks from the date of receipt of a copy of this judgment, less the amount already deposited. On such deposit being made, the claimant is permitted to withdraw the award amount with interest and costs. No costs. Consequently, connected C.M.P.is closed.

Sd/
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To
The Motor Accident Claims Tribunal
/ IV Additional Sub Court, Madurai.

+1 cc to MR.M.PRAKASH, Advocate Sr.No.40301

C.M.A. (MD) No.691 of 2016
28.07.2016

CSL/PV/24/08/2016:2P/3C