



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.962 of 2014
and
M.P(MD).No.2 of 2014

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,,
Railway Station Road,
Kumbakonam.

.. Appellant/Respondent

-Vs-

Minor Aravinth @ Aravindhhan
Represented by his father and
natural guardian Manohar

.. 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 02.08.2012 passed in MCOP.No.645 of 2006 on the file of the Motor Accident Claims Tribunal/Principal Sub Court, Thanjavur.

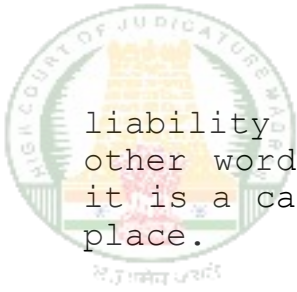
For Appellant : Mr. P. Prabhakaran
For Respondent : No Appearance

JUDGMENT

This Civil Miscellaneous Appeal has been filed to set aside the Judgment and Decree dated 02.08.2012 passed in MCOP.No.645 of 2006, on the file of the Motor Accident Claims Tribunal/Principal Sub Court, Thanjavur.

2. It is a case of an injury caused due to the accident took place on 04.09.2005, around 2.00 p.m., near Thanjavur Gandhiji Road. The injured filed a claim petition in M.C.O.P.No.645 of 2006, before the Motor Accidents Claims Tribunal / Principal Sub Court, Thanjavur and the Tribunal, considering the facts and circumstances, awarded a sum of Rs.1,93,578/- 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 a minor and aged about 17 years and there was no actual accident and this apart the learned counsel for the appellant contended that the injured got injury in some other place and falsely implicated the appellant corporation bus. Therefore, the Tribunal ought not to have fixed the



liability on the part of the appellant Transport Corporation. In other words, the learned counsel for the appellant reiterated that it is a case of false claim and the minor was injured in some other place.

4. Heard the learned counsel for the appellant and perused the records.

5. On reading of the findings of the Tribunal, this Court is unable to appreciate the arguments raised by the learned counsel for the appellant in view of the fact that the Transport Corporation has not elucidated the evidence before the Tribunal to show that it is a false claim. In the absence of any documents or any witness, this Court is not in a position to reverse the findings of the Tribunal and accordingly, the order passed by the Motor Accidents Claims Tribunal/Principal Sub Court, Thanjavur, in M.C.O.P.No.645 of 2006, dated 02.08.2012, is confirmed.

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

7. The appellant/Tamil Nadu State Transport Corporation is directed to deposit the entire award amount with accrued and costs, to the credit of M.C.O.P.No.645 of 2006, on the file of the Motor Accidents Claims Tribunal / Principal Sub Court, Thanjavur, within a period of four weeks from the date of receipt of a copy of this order, if not already deposited, and on such deposit being made, the Tribunal is directed to deposit the same in any one of the nationalised Banks in a Fixed Deposit Scheme, till he attains majority, and the father, who is the guardian of the minor claimant is permitted to withdraw the accrued interest from the awarded amount, once in three months, directly from the Bank, for the welfare of the minor.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

The Principal Subordinate Judge,
Motor Accident Claims Tribunal/
Thanjavur.

+ 1 CC TO Mr.P.PRABHAKARAN, ADVOCATE IN SR No. 78836

PJL

TE/SS2-KSM : 24/01/2017 : 2P/3C