



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2016

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.M.A. (MD) .No.886 of 2016

and

C.M.P. (MD) No.8150 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
(Madurai Division-3),
Vannarapettai,
Tirunelveli.

... Appellant

Vs.

1.G.Vaigundamoorthy
2.N.Naga Ganapathy Velayuthamm

3.The Oriental Insurance Company Ltd.,
24,E.Sivanthi Shopping Complex,
1st Floor, 12/A, S.N.High Road,
Tirunelveli.
(R2 & R3 Notice Given up)

... Respondents

PRAYER : Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Judgment and Decree passed in M.C.O.P.No.428 of 2007, dated 24th June 2009, on the file of the Motor Accidents Claims Tribunal cum Additional Subordinate Court, Tirunelveli.

For Appellant

: Mr.M.Prakash

JUDGMENT

Challenging the award passed by the Motor Accidents Claims Tribunal, Additional Subordinate Court, Tirunelveli, in M.C.O.P.No.428 of 2007, dated 24.06.2009, the appellant/Transport Corporation has preferred the present appeal.

2. **The brief facts of the case** are that on 16.08.2007, the first respondent/claimant was driving his TATA ACE goods carrier from Kallidaikurichi to Tirunelveli Town, at about 6.30 a.m., a bus bearing Registration No.TN-72-N-0625 came from the opposite direction, in a rash and negligent manner and dashed against the TATA ACE goods carrier. As a result of which, the claimant sustained injuries and he was immediately taken to Tirunelveli Medical College Hospital for treatment.



3.A petition was filed claiming compensation of Rs.3,00,000/- on the ground that the accident had taken place due to the rash and negligent driving of the driver of the bus.

4.The claim was opposed by the appellant disputing the age, income and occupation of the claimant and the manner of the accident.

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

6. Before the Tribunal, the claimant has given evidence as PW1 and in his evidence, he narrated the manner of accident and marked Ex.P1/First Information Report, Ex.P2/Observation Mahazer, Ex.P3/Sketch and Ex.P7/Charge Sheet, in support of his case. The Tribunal accepting his evidence, rightly held the driver of the bus caused the accident.

7.PW2, Dr.Ramaguru, deposed that the claimant has suffered 70% permanent disability. Ex.P10 is the disability certificate.

8.The Tribunal based on the evidence of PW2 and Ex.P10, awarded Rs.2,34,000/- towards permanent disability; Rs.10,000/- towards pain and sufferings; Rs.3000/- towards extra nourishment and Rs.2000/- towards transport expenses. In total the Tribunal has awarded Rs.2,49,000/- together with interest at the rate of 7.5% per annum. The award of the Tribunal is just and reasonable. I do not find any merits in this appeal.

9. **In fine**, the award passed by the Tribunal dated 24.06.2009 is confirmed and the appeal is dismissed. In view of the dismissal of the appeal, the appellant is directed to deposit the entire award amount, less the amount, if any already deposited, along with accrued interest and costs to the credit of M.C.O.P.No.428 of 2007 on the file of the Motor Accidents Accidents Claims Tribunal, Additional Subordinate Judge, Tirunelveli, within a period of eight weeks from the date of receipt of the copy of this Judgment.

10. On such deposit being made, the claimant is permitted to withdraw the entire award amount along with accrued interest and costs, without filing any formal petition before the Tribunal. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS I)

/True copy/



To
The Motor Accidents Accidents Claims Tribunal,
Additional Subordinate Judge,
Tirunelveli.

+1cc to Mr.M.Prakash, Advocate SR.No.48232

pjl
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