



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2016

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.M.A(MD)No.1537 of 2013

and

M.P.(MD)No.1 of 2013

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Periyamilaguparai,
Trichy-1. ... Appellant/Respondent

Vs.

D.Maria Prakasam ..Respondent/Petitioner

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree made in M.C.O.P.No.513 of 2003, dated 03.04.2013, on the file of the Motor Accident Claims Tribunal/III Additional Subordinate Court, Trichirappalli.

For Appellant : Mr.P.Prabhakaran

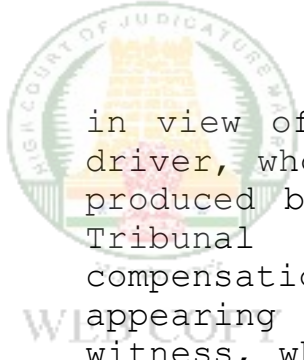
For Respondent : Mr.N.Sudhagar Nagaraj

J U D G M E N T

This Civil Miscellaneous Petition is filed by the Transport Corporation challenging the award passed in M.C.O.P.No.513 of 2003, filed on 12.12.2002.

2. It is a case of an accident which took place on 17.10.2002 at about 04.15 p.m. near Nagar Branch Road on Lalgudi - Trichy road. It is a head on collision between a car and Transport Corporation bus. The claimant who was travelling in the bus got injured and file application seeking compensation before the Motor Accident Claims Tribunal, Trichy. The Tribunal, considering the facts and circumstances of the case, awarded a sum of Rs.17,000/- for the claimant and the appellant/Transport Corporation preferred this appeal challenging the quantum of compensation granted by the Tribunal.

3. The learned Counsel appearing for the appellant contended that the Transport Corporation is not liable to pay compensation



in view of the fact that the negligence was on the part of the driver, who drove the car and further that the respondent/claimant produced bogus documents and the Doctor's certificate before the Tribunal and an escalated amount was claimed by way of compensation. To substantiate his contention, the learned Counsel appearing for the appellant cited the deposition of the Doctor's witness, which is clear that the Doctor had never issued any wound certificate for any victim in this accident and therefore, it is to be presumed that the Doctor's certificate produced by the respondent/claimant was bogus which deserves no merit consideration and the Tribunal ought not to have fixed the liability on the Transport Corporation.

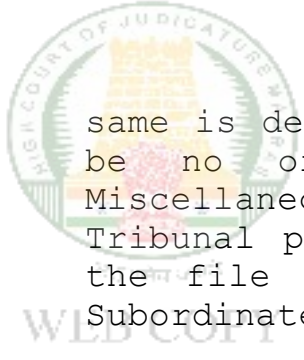
4. Further the learned Counsel for the appellant contended that the respondent/claimant had sustained very small injuries and the amount of compensation granted by the Tribunal is excessive and that apart, the treatment was taken after a lapse of two, three days and therefore, the Tribunal ought not to have granted such excessive compensation against the appellant/Transport Corporation and only by seeing the X-ray, the Tribunal awarded Rs.5,000/- which is not permissible.

5. The respondent/claimant opposed the appeal by stating that the factum regarding the accident was proved before the Tribunal beyond doubt and further the injuries sustained on account of the said accident, were also proved before the Tribunal. When the accident and the sustenance of the injuries were proved beyond doubt, the appellant/Transport Corporation cannot question the compensation granted by the Tribunal more specifically against the Transport Corporation.

6. Considering the rival contentions of the learned Counsel for the appellant and the respondent, this Court is of the view that the factum regarding the accident and the injuries sustained by the claimant were proved beyond doubt and the production of the Doctor's certificate and the medical bills and the inflated claim need not be considered at this point of time, in view of the fact that it is a case of an accident, where the claimant sustained injuries and the victim cannot be denied for a compensation in accordance with law. Certain medical bills and the Doctor's evidence can be considered only if this Court found that the amount of compensation is exorbitant and not in accordance with law. If this Court finds that the award of compensation of the Tribunal is exorbitant and appears to be doubtful, then this Court can exercise its jurisdiction for intervention in the normal course and when the factum regarding the accident and the injuries sustained by the claimant are proved beyond doubt, this Court need not consider the appeal preferred by the Transport Corporation.

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7. In such circumstances, this Court is not inclined to entertain this appeal filed by the Transport Corporation and the



same is devoid of merits and hence, it is dismissed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is also dismissed. The award of the Tribunal passed in M.C.O.P.No.513 of 2003, dated 03.04.2013, on the file of the Motor Accident Claims Tribunal/III Additional Subordinate Court, Trichirappalli is hereby confirmed.

8. The learned Counsel for the appellant represented that the entire award amount had been deposited and the respondent/claimant had already withdrawn 50% of the award amount. The respondent/claimant is permitted to withdraw the balance amount along with accrued interest and costs through RTGS by filing necessary application before the Tribunal concerned.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub Assistant Registrar

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To

1 The III Additional Subordinate Judge,
The Motor Accident Claims Tribunal, Trichy.

2 The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai

+1cc to Mr.P.Prabhakaran Advocate Sr.No. 70872

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C.M.A. (MD) No.1537 of 2013

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