



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2016

Coram:

WEB COPY

THE HONOURABLE **MR. JUSTICE K.KALYANASUNDARAM**

C.M.A(MD)No.250 of 2011

and

M.P(MD)No.1 of 2011

Tamil Nadu State Transport Corporation Limited,
rep. through its Managing Director,
Madurai-625 010. .. Appellant/III Respondent

-Vs-

1.Minor Sridhar
(rep. through his natural guardian/father
Katturaja @ Pandi) .. I Respondent/Petitioner

2.V.Veerachamy

3.M/s.United India Insurance Company Limited,
rep. through its Branch Manager,
Aruppukkottai. .. II & III Respondents /
I & II Respondents

Prayer:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 15.03.2005 made in M.C.O.P.No.1152 of 2001 on the file of the Motor Accident Claims Tribunal, IV-Additional Sub Court, Madurai.

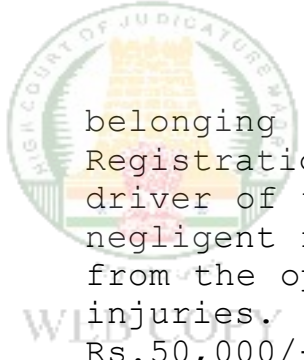
For Appellant : Mr.D.Sivaraman
Respondents : Mr.M.Ramasubramanian for R1
Mr.J.S.Murali for R3

JUDGMENT

Aggrieved over the award passed by the Motor Accidents Claims Tribunal, IV-Additional Sub Court, Madurai, in M.C.O.P.No.1152 of 2001, dated 15.03.2005, the Transport Corporation has preferred the present appeal.

2. Heard Mr.D.Sivaraman, learned counsel for the appellant and perused the records.

<https://hcservices.courtney.in/hcservices/> 3. The brief facts of the case are that on 05.10.1998, the first respondent, who was 15 years old was travelling in the bus



belonging to the appellant-Transport Corporation, bearing Registration No.TN-59-N-0645 from Ramarajapuram to Vadipatti. The driver of the bus while overtaking an Auto, drove it in a rash and negligent manner and dashed against another bus, which was coming from the opposite direction. In the impact, the claimant sustained injuries. A petition came to be filed claiming compensation of Rs.50,000/-.

4. Before the Tribunal the father of the minor claimant was examined as PW1 and he produced Ex.P1, First Information Report, Ex.P2, O.P. Sheet and Ex.P3, copy of the award passed in M.C.O.P.Nos.425 of 1997 and 426 of 1999 to show in the claims arising out of the same accident, award was passed in favour of the claimants.

5. The Tribunal based on the judgment passed in M.C.O.P.Nos.425 of 1997 and 426 of 1999 and also relying on Ex.P1, FIR rightly came to the conclusion that the driver of the appellant-Transport Corporation was responsible for the accident.

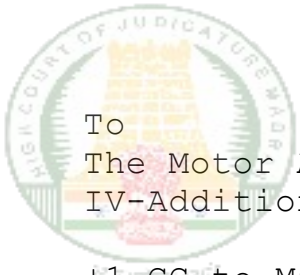
6. PW1 deposed that the claimant was admitted in Madurai Government Rajaji Hospital for treatment. Ex.P2 corroborates the evidence of PW1 to the effect that the claimant had taking treatment as in-patient from 05.10.1998 to 08.10.1998. PW1 further stated that the claimant has sustained a fracture on the jaw and he lost teeth. Based on the evidence, the Tribunal has awarded Rs.3000/- towards pain and suffering; Rs.3000/- towards medical expenses; Rs.500/- towards transport expenses and Rs.2000/- towards extra nourishment. The Tribunal has totally awarded Rs.8500/- with interest at the rate of 9% per annum. In my considered view, the award passed by the Tribunal is fair and reasonable and I do not find any merit in this appeal.

7. **In the result,** this Civil Miscellaneous Appeal is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

8. In view of the dismissal of the appeal, the appellant-Transport Corporation is directed to deposit the entire award amount with proportionate interest and costs, less the amount, if any, already deposited, to the credit of M.C.O.P.No.1152 of 2001 on the file of the IV-Additional Sub Court, Madurai, within a period of eight weeks from the date of receipt of a copy of this judgement. On such deposit being made, the claimant is permitted to withdraw the entire award amount without filing any formal petition before the Tribunal.

Sd/-

Assistant Registrar (CS-II)



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

+1 CC to Mr.RANJITH, Advocate, SR No.37142

+1 CC to Mr.J.S.MURALI, Advocate, SR No.37003

C.M.A (MD) No.250 of 2011

PJL

SH/SKS-RR:22.11.2016:3P/4C