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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2017

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

CMA No.1250 of 2017

1. P. Dhanaraj
2. M/s. United India Insurance Company
Limited, (R.O and H.O.),
24, Whites Road, Head Office,
Chennai - 600 014. .. Appellants/Petitioners

vs.

1. M/s. Tamilnadu State Transport Corporation
Limited,
Rep. by its General Manager,
At Chinnimalai Road,
Erode - 638 002.

2. Ravichandran ..Respondents/Respondents

Prayer :- Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree dated 13.12.2002 in MCOP.No. 389 of 1997 passed by the Motor Accident Claims Tribunal cum Additional District Court (Fast Track Court No.I) at Coimbatore.

For Appellants :: M/s.C.Ramesh Babu

JUDGMENT

This Civil Miscellaneous Appeal has been preferred by the owner of the van bearing Registration No. TN 37 H 5560 as well as the Insurance Company, with which the said van was insured, as against the award of Rs.99,033/- passed by the Tribunal, in respect of the damages caused to the said vehicle in the accident which occurred on 1.1.1995, when it was hit by the bus bearing Registration No. TN 33 N 0598, belonging to the 1st respondent Transport Corporation, driven in a rash and negligent manner.



2. Heard Mr.C. Ramesh Babu learned counsel appearing for the appellants.

3. A perusal of the records would reveal that the appellants' van was damaged, as proved by Ex.P5 Motor Vehicle Inspector's Report, in the said accident, which was caused due to the rash and negligent driving by the driver of the bus belonging to the 1st respondent Transport corporation, which stands proved by eye-witnesses. Further, the FIR was also lodged against the driver of the 1st respondent Transport Corporation and therefore, negligence was rightly fixed on the driver of the Transport Corporation bus. Based on oral evidence and supported by Ex-P5 document, the Tribunal rightly determined the compensation at Rs.99,033/- for the damages caused to the Van. When the amount awarded by the Tribunal, for the damages caused to the appellants' van, is based on evidence, especially, Ex-P5, the award cannot be set aside. Hence, the appeal fails and the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

sjj/nv

To

The Motor Accident Claims Tribunal,
Additional District Court,
(Fast Track Court No.I),
Coimbatore.

+ 1 cc to Mr. C. Ramesh Babu, Advocate Sr.22866

CMA No.1250 of 2017

RSV(CO)
EU(29/11/2018)