

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD)No.602 of 2007
& M.P.No.2 of 2007

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
(Villupuram Division I) Limited,
Villupuram.

... Petitioner

Vs.

Shankar

... Respondent

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, against the judgment and decree dated 21.04.2003 made in MCOP No.110 of 2003 on the file of Motor Accidents Claims Tribunal (Additional District Judge) Chidambaram.

For Petitioner : Mr.G.Munirathinam

For Respondent : Batta due

ORDER

This Civil Revision Petition has been filed against judgment and decree dated 21.04.2003 made in MCOP No.110 of 2003 on the file of Motor Accidents Claims Tribunal (Additional District Judge) Chidambaram.

2. The petitioner/Transport Corporation is the 1st respondent and the respondent is the petitioner in MCOP No.110 of 2003 on the file of Motor Accidents Claims Tribunal (Additional District Judge) Chidambaram. The respondent filed claim petition claiming a compensation of Rs.50,000/- for the injuries suffered by him in the accident that occurred on 28.09.1997. According to the respondent, on 28.09.1997 at 1.00 p.m., while he was riding in a bicycle alongwith his mother-in-law, bus belonging to the transport corporation bearing Regn.No.TN 32N 0587 came in a rash and negligent manner and dashed against the bicycle and caused the accident. Due to the said accident, the respondent and his mother-in-law sustained injuries. The respondent claimed a sum of Rs.50,000/- for the injuries, against the petitioner as the accident occurred due to the rash and negligent driving of the driver of the bus. The petitioner filed counter and denied all the averments and submitted that the vehicle was not involved in the accident. The driver of the bus was driving the vehicle very carefully and cautiously and the respondent did not sustain any injury. Before the Tribunal, the petitioner examined himself as PW1, his mother-in-law and one Vadivel were examined as PW2 & 3 respectively. Five documents were marked as Exs.A1 to A5. The petitioner examined the driver of the vehicle and Branch Manager as RW1 & 2

and marked one document viz Ex.B. The Tribunal, considering the pleadings, oral and documentary evidence, came to the conclusion that the accident occurred only due to the rash and negligent driving of the driver of the bus belonging to the petitioner Corporation and considering the nature of the injury sustained by the respondent, awarded a sum of Rs.7000/- as compensation payable to the respondent.

3. Against the said order, the present Civil Revision Petition has been filed.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. The learned counsel for the petitioner submitted that the bus belonging to the petitioner was driven carefully and cautiously. The learned Judge erred in marking the FIR through the respondent when the author of the FIR was not examined. The Tribunal did not consider the evidence of RW1 driver and RW2 the Branch Manager. The respondent has not examined the doctor to prove the nature of the injuries. This contention of the learned counsel for the

petitioner cannot be accepted. Before the Tribunal, the respondent examined himself and the other respondent in MCOP No.108 of 2003 as PW1 & PW2. In addition to that, he also examined one Vadivel as PW3 who was the eye-witness to the accident. RW1, the driver of the bus deposed that he is the driver of Route No.174 and further stated that the bus does not go via Vanamadevi. From the evidence of RW1, it is seen that he is the driver of Route No.174 whereas the bus involved in the accident is Route No.181. In view of the above, the Tribunal rejected the evidence of RW1 and 2 and considered all the materials on record in a proper perspective manner holding that the accident occurred only due the rash and negligent driving of the driver of the bus belonging to the petitioner Corporation by awarding a sum of Rs.7,000/- as compensation which is just and reasonable. Therefore, I do not find any irregularity or illegality in the order passed by the Tribunal warranting interference by this Court.

7. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed. The petitioner Corporation is directed to deposit the entire award amount, within a period of two (2) weeks from the date of receipt of

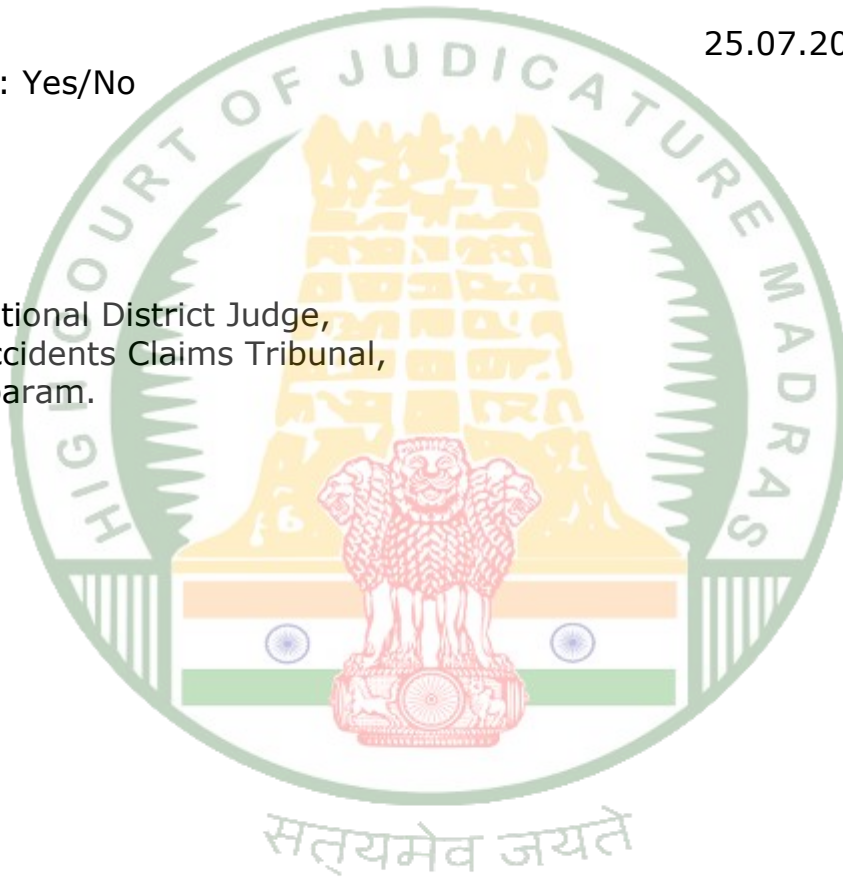
a copy of this order, if not already deposited. The respondent/ claimant is permitted to withdraw the same, alongwith interest and cost, after adjusting the amount already withdrawn, if any.

25.07.2017

Index : Yes/No
rgr

To

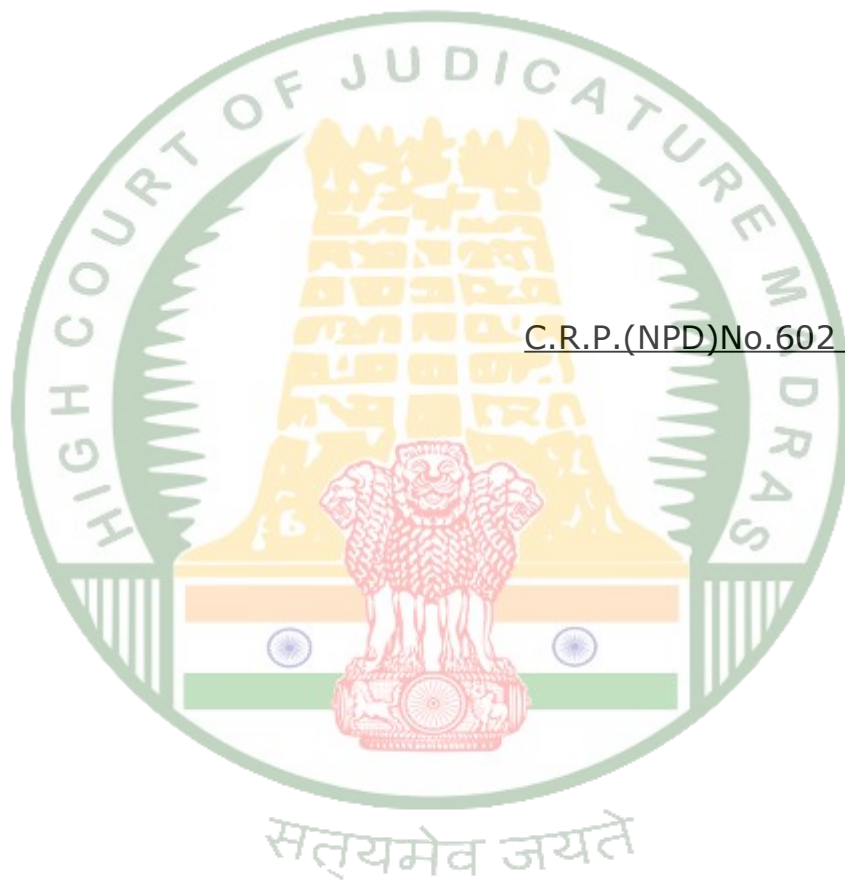
The Additional District Judge,
Motor Accidents Claims Tribunal,
Chidambaram.



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V.M.VELUMANI, J.

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