



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2017

CORAM:

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN

WEB COPY

C.M.A(MD) No.121 of 2017 &
C.M.P(MD) No.1282 of 2017Tamil Nadu State Transport Corporation Ltd.,
Rep. by its Managing Director,
Karaikudi

... Appellant/Respondent

-vs-

M.Nambulakshmi

... Respondent/Petitioner

PRAYER: Appeal filed under Section 173 of M.V.Act, 1988 against the judgment and decree made in M.C.O.P.No.72 of 1997 dated 27.10.2003 on the file of the Motor Accident Claims Tribunal, Sub Judge, Ramanathapuram.

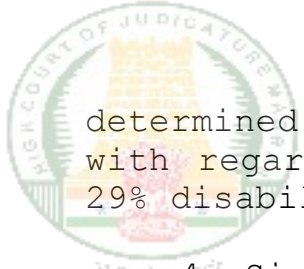
For Appellant : Mr.M.Fernand
For Mr.K.Gokul
For Respondent : Mr.K.Kumaravel

J U D G M E N T

This Civil Miscellaneous Appeal has been preferred by the Transport Corporation against the Award of Rs.81,365/- for the injury sustained by the respondent in an accident occurred on 13.10.1995, when she was travelling along with her family members in a bullock cart, which was dashed by the bus belonging to the Appellant Transport Corporation, driven in rash and negligent manner. The respondent had filed a claim petition before the Motor Accident Claims Tribunal (Sub Judge), Ramanathapuram for compensation and the Tribunal, finding that the bus was driven by the Driver of the Appellant Transport Corporation in a rash and negligent manner, awarded a sum of Rs.81,365/-

2. Heard the learned counsel on either side.

3. It is seen that Tribunal, based on Ex.P1 / FIR and Ex.P2 / charge sheet, filed against the Driver of the Transport Corporation and also eye witnesses, has rightly come to the conclusion that the accident had occurred due to the rash and negligent driving of the Driver of the Appellant Transport Corporation. Perusal of Ex.Ps.9 to 11 would go to show that the respondent herein sustained fracture in the hip bone, on account of which, she was hospitalized for treatment for 19 days, i.e., from 14.10.1995 to 02.11.1995, which is evident from the deposition of Doctor as P.W.3. Pursuant to the injury, she is unable to walk and lift any heavy objects. The Doctor/P.W.3



determined the disability at 29% and there is no contra evidence with regard to the disability determined by P.W.3 and therefore, 29% disability determined by the Tribunal is confirmed.

4. Similarly, the amounts granted under various heads are also very reasonable and they are not on the higher side and therefore, the sum of Rs.81,365/-, awarded by the Tribunal along with interest @ 9% is confirmed.

5. Accordingly, this Civil Miscellaneous Petition fails and the same is dismissed. The Appellant Transport Corporation is directed to deposit the entire amount after adjusting the amount already deposited, if any, on or before 05.06.2017 and on such deposit, the Tribunal is directed to transfer the said amount directly to the account of the respondent herein on proper identification. In case the Appellant fails to deposit the entire amount along with interest and costs within the stipulated time, the Managing Director / Chairman and the Chief Accounts Officer shall appear before this Court after 05.06.2017. No costs. Consequently, the connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS I)

/True copy/

Sub Assistant Registrar

To:

The Subordinate Judge,
Motor Accident Claims Tribunal,
Ramanathapuram

+1cc to Mr.K.Kumaravel, Advocate Sr.No.10797

+1cc to Mr.K.Gokul, Advocate Sr.No.11250

Ar

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