



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A(MD) No.223 of 2017

Tamil Nadu State Transport Corporation,
Dindigul through its
Managing Director. ..Appellant/Petitioner

vs.

K.Muthu ..Respondent/Petitioner

Prayer: The appeal filed under Section 173 of Motor Vehicle Act, 1988, against the judgment and decree passed in M.C.O.P.No.1583 of 2005, dated 29th Day of October 2010, on the file of the Motor Accident Claims Tribunal-cum-Chief Judicial Magistrate Court, Madurai.

For Appellant : Mr.M.Prakash

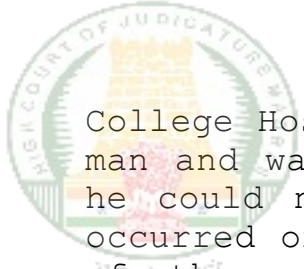
JUDGMENT

Being aggrieved over the award passed by the Motor Accident Claims Tribunal-cum-Chief Judicial Magistrate Court, Madurai in M.C.O.P.No.1583 of 2005, the Transport Corporation has filed the present appeal.

2.The appellant Transport Corporation is the respondent in M.C.O.P.No.1583 of 2005, on the file of the Motor Accident Claims Tribunal-cum-Chief Judicial Magistrate Court, Madurai. The respondent is the claimant and the appellant is the owner of the vehicle. The respondent filed the claim petition in M.C.O.P.No.1583 of 2005, claiming a sum of Rs.4,00,000/- (Rupees Four Lakhs only) as compensation for the injuries sustained by him in the accident that occurred on 10.04.2005. By the award, dated 29.10.2010, the Tribunal awarded a sum of Rs.1,38,500/- (Rupees One Lakh Thirty eight Thousand Five hundred only) as compensation.

3.Facts of the Case:-

According to the respondent, while he was standing on the Madurai-Usilampatti road, the bus belonging to the appellant bearing Registration No.TN-57-N-1236 came in a rash and negligent manner and dashed against him and caused accident. Due to the said impact, the respondent sustained multiple injuries and he was taking treatment as Inpatient in the Government Rajaji Medical



College Hospital, Madurai till 30.04.2005. He was working as load-man and was earning Rs.250/- per day. Due to the said injuries, he could not do the work as he was doing earlier. The accident occurred only due to the rash and negligent driving of the driver of the appellant. Therefore, he filed the claim petition, claiming a sum of Rs.4,00,000/- (Rupees Four Lakhs only) as compensation.

4.The appellant filed the counter statement and denied the averments that the bus belonging to the appellant was involved in the accident and submitted that the bus did not come into the said route and denied the accident. The driver of the appellant is not responsible for the accident and prayed for dismissal of the claim petition.

5.Before the Tribunal, the respondent examined himself as P.W.1 and one Doctor Mr.Chinnadurai was examined as P.W.2 and two other witnesses were examined as P.Ws.3 & 4 and marked 9 documents as Ex.A1 to A9. The appellant examined one Sendraya Perumal as R.W.1 and did not mark any documents.

6.The Tribunal, considering the pleadings, oral and documentary evidence, came to the conclusion that the driver of the bus belonging to the appellant is responsible for the accident and considering the nature of the injuries, awarded a sum of Rs.1,38,500/- (Rupees One Lakh Thirtyeight Thousand Five Hundred only) as compensation to the respondent in a different heads.

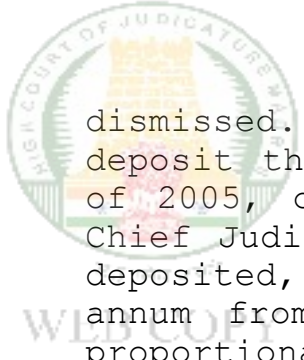
7.Against the said award, the appellant-Transport Corporation has filed the present appeal.

8.I have heard the learned Counsel appearing for the appellant.

9.From the materials available on record, it is seen that the Tribunal considering the Ex.P.1-FIR held that the accident occurred only due to the negligence of the driver of the bus belonging to the appellant and considering the evidence of the doctor and Ex.P6-Wound certificate, fixed the percentage of disability at 35% and awarded the compensation. In view of these facts, this Court confirmed the finding of the Tribunal that the accident occurred only due to the rash and negligent driving of the driver of the bus belonging to the appellant. As far as quantum of compensation is concerned the Tribunal taking into consideration the evidence of P.W.2 doctor and Exhibits with regard to nature of injury and percentage of disability, awarded a just compensation. The compensation awarded in respect of various heads are not excessive. It is only based on the documents

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10.In the result, this Civil Miscellaneous Appeal is



dismissed. The appellant/Transport Corporation is directed to deposit the entire award amount to the credit of M.C.O.P.No.1583 of 2005, on the file of the Motor Accident Claims Tribunal-cum-Chief Judicial Magistrate Court, Madurai, less the amount already deposited, if any, along with interest at the rate of 7.5% per annum from the date of petition till date of realisation and proportionate costs, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit, the Tribunal is directed to transfer the award amount to the Personal Savings Bank Account Number of the claimant, after getting his Account Details, within a period of two weeks thereafter. No costs.

Sd/-

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To

The Motor Accident Claims Tribunal-cum-
Chief Judicial Magistrate Court, Madurai.

+1 cc to Mr.M.Prakash , Advocate in SR.No. 16540

Am

AE/RR/SAR3/18.04.2017/3P/3C

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