



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CMA (MD) No.1263 of 2016

and

CMP (MD) No.10788 of 2016

The Managing Director,
Tamil Nadu State Transport
Corporation,
(Division 1), Bye-pass Road,
Madurai - 625 010.

... Appellant/Respondent

Vs.

1.Kaliappa Thevar
2.Ravichandran

... Respondents/Petitioners

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 11.03.2005 made in MCOP.No.47 of 2004 on the file of the Motor Accident Claims Tribunal, Sub Court, Sankarankovil.

For Appellant
For Respondents

: Mr.D.Sivaraman
: No appearance for R1
R2-given up.

JUDGMENT

The transport corporation has filed this appeal questioning the impugned award on the ground that their vehicle was not involved in the accident.

2.The claimant in this case was a cyclist. His case was that he was hit by the bus belonging to the appellant corporation on 31.12.2003 at about 08.45 P.M. He suffered injuries. The defence of the appellant corporation was that during the relevant time, the bus which allegedly caused the accident, according to the claimant had already passed the occurrence spot. In support of this defence, the appellant corporation marked Ex.R1 invoice and Ex.R2 time chart. The Tribunal came to the conclusion that the time given in the F.I.R should only be taken as an approximate one.

3.The Tribunal upon perusal of the evidence on record came to the conclusion that the bus belonging to the appellant corporation only caused the accident in question. The said finding is based on relevant evidence and credible material. That apart, the award



amount is only for a sum of Rs.55,000/-. This appeal is without any merit and it is liable to be dismissed.

4.The award dated 11.03.2005 made in MCOP.No.47 of 2004 on the file of the Motor Accident Claims Tribunal, Sub Court, Sankarankovil is confirmed.

5.The appellant transport corporation is directed to deposit the entire compensation amount as awarded by the Tribunal with interest from the date of petition till the date of realization, within a period of eight weeks from the date of receipt of a copy of this order, less the amount already deposited, if any. On such deposit, the claimant is entitled to withdraw the same, by filing proper application before the Tribunal, less the amount already withdrawn by him, if any.

6.This appeal is dismissed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Motor Accident Claims Tribunal,
Sankarankovil.

Copy To:-

The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 91052
+ 1 CC TO Mr.P.KRISHNASAMY, ADVOCATE IN SR No. 91057

SKM
TE/SKN-RSK/SAR-1 : 30/05/2018 : 2P/6C

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