



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. SUBRAMANIAN

C.M.A (MD) No.314 of 2017

and

C.M.P. (MD) .No.3644 of 2017

The General Manager,
Tamil Nadu State Transport Corporation,
Periya Milaguparai,
Thiruchirapalli-1.

...Appellant/Respondent

vs.

Minor Abimani
Rep.by his next friend and guardian and
father Ramachandran.

...Respondent/Petitioner

Appeal is filed under Section 173 of Motor Vehicle Act, 1988, against the award and decree made in M.C.O.P.No.95 of 2012 dated 14.03.2016 on the file of the Motor Accident Claims Tribunal/Special Sub-Court, Thanjavur.

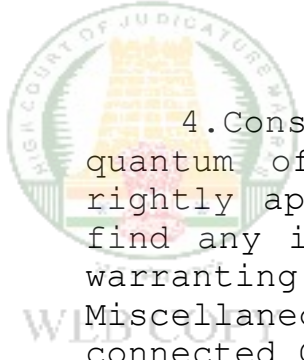
For Appellant : Mr.P.Prabhakaran

JUDGMENT

The Transport Corporation, suffered an award for a sum of Rs.98,582/-, is the appellant. The award is passed for the injuries suffered by the respondent, who is a minor. The accident is not in dispute.

2.The defence of the Transport Corporation is that three persons travelled in a two wheeler and therefore, there should be certain amount of contributory negligence attributed to the driver of the two wheeler also.

3.The Tribunal, having considered the said submission, apportioned the negligence as 80% on the driver of the bus and 20% on the driver of the two wheeler. The injured is a minor girl child and the nature of injuries are bound to cause some kind of defacement in her arms and legs.



4.Considering the above said factors, I do not think that the quantum of award is on the higher side and the Tribunal has rightly apportioned the liability at 80% - 20%. Hence, I do not find any illegality or irregularity in the award of the Tribunal warranting interference in the appeal. Hence, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected C.M.P is also closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Special Sub Judge,
Motor Accident Claims Tribunal,
Thanjavur.
2. The Section Officer,
VR Section,
Madurai Bench Of Madras High Court,
Madurai.

+1cc to Mr.P.Prabhakaran, Advocate Sr.No.52631

ns

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