



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A.(MD)No.140 of 2015

and

C.M.P.(MD).No.1 of 2015

The Branch Manager,
Tamil Nadu State Transport Corporation,
Pudukottai. ... Appellant /Respondent

Vs.

Podhumani @ Podhumani Jaya ... Respondent/Petitioner

Prayer: Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and award made in M.C.O.P.No.758 of 2010 dated 31.10.2013 on the file of Motor Accidents Claims Tribunal, Additional District & Sessions Court, Pudukottai.

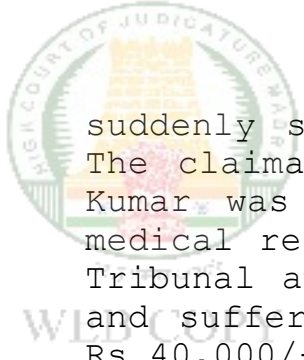
For Appellant	: Mr.D.Sivaraman
For Respondent	: Mr.N.Balakrishnan

JUDGMENT

This appeal has been filed by Tamil Nadu State Transport Corporation challenging the award dated 31.10.2013 made in M.C.O.P.No.758 of 2010 on the file of Motor Accidents Claims Tribunal, Additional District & Sessions Court, Pudukottai.

2.The respondent herein is the claimant. she suffered injury in an accident that took place on 26.05.2010 involving the bus belong to the appellant Corporation. The Tribunal has given a finding that the accident in question took place only on account of the rash and negligent driving of the driver employed by the appellant Corporation. The driver had started the bus even before the claimant could get down from the bus. When a passenger is getting down from the bus, the driver ought not to have started the bus. The FIR is against the driver of the bus. Crime No.432 of 2010 was registered on the file of Aranthangi Police Station. The driver has not given any counter complaint that he was not responsible.

3.herefore, the Tribunal came to the conclusion that the driver did not notice the claimant getting down and that he had



suddenly started the bus which caused the accident in question. The claimant examined herself as eye witness. One doctor Ravi Kumar was examined as PW.2 and he gave evidence based on the medical records. Disability was assessed at 20%. Therefore, the Tribunal awarded a sum of Rs.40,000/- under that head. For pain and suffering Rs.25,000/- was awarded and for loss of amenities Rs.40,000/- was awarded. The damages were awarded under other heads also. In all, a sum of Rs.1,20,000/- was awarded as compensation. This cannot be said to be excessive. This finding is perfectly reasonable and does not require any interference. This appeal is without any merit. This Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

Additional District & Sessions Judge,
Motor Accidents Claims Tribunal,
Pudukottai.

Copy to:

The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.D.Sivaraman, ADVOCATE IN SR No.82853
tsg
AE/KK/SAR-1/02.11.2017/2P/4C

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and
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