



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2017

CORAM:

THE HONOURABLE MRS. JUSTICE J. NISHA BANU

C.M.A. (MD) No. 549 of 2017

and

C.M.P. (MD) No. 5847 of 2017

The Managing Director,
Tamil Nadu State Transport Corporation,
Erode.

... Appellant/ Respondent
Vs.

Marimuthu @ Mariappan

... Respondent /Petitioner

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the award and decree made in M.C.O.P.No.203 of 2014 dated 04.03.2016 on the file of the Motor Accident Claims Tribunal/Principal Sub Court, Dindigul.

For Appellant : Mr.P.Prabhakaran
For Respondent : Mr.S.Poornachandran

J U D G M E N T

The Civil Miscellaneous Appeal has been filed by the appellant / Tamil Nadu State Transport Corporation against the award dated 04.03.2016, passed in M.C.O.P.No.203 of 2014 by the Motor Accident Claims Tribunal, Principal Sub Court, Dindigul.

2. It is a case of an injury and the accident took place on 07.07.2010 at about 05.15 a.m., when the injured Marimuthu @ Mariappan was proceeding along with one Murugan in bullock-cart in Sempatti-Ottanchatram Main Road, near Vellamadathurpatti, Chinnakannan Thottam, the bus belonging to the Tamil Nadu State Transport Corporation bearing No.TN.33, N.1936 came in a rash and negligent manner behind the bullock cart and hit on the backside of the bullock cart. As a result of which, Marimuthu @ Mariappan sustained grievous injuries. Therefore, he filed an application in M.C.O.P.No.203 of 2014 on the file of the Motor Accident Claims Tribunal, Principal Sub Court, Dindigul, seeking compensation of Rs.15,00,000/-.

3. The Tribunal, after considering the facts and circumstances of the case, granted a sum of Rs.2,21,840/- towards total compensation. Challenging the same, the appellant / Tamil Nadu State Transport Corporation filed the present appeal questioning the quantum of compensation awarded by the Tribunal mainly on the ground



that the negligence fixed on the part of the driver of the Transport Corporation bus, which met with the accident was erroneous. Further, the learned counsel for the appellant contended that the multiplier fixed by the Tribunal is also erroneous and the same is liable to be modified.

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4. The learned counsel for the respondent/claimant opposed the contention of the learned counsel for the appellant by stating that the injured was aged 23 years at the time of accident. He would further submit that the factum of the accident was proved on the part of the driver of the bus and hence, the findings of the Tribunal are not erroneous.

5. On a reading of the findings of the Tribunal, it is clear that the Tribunal has considered all these aspects and fixed the liability on the appellant/Tamil Nadu State Transport Corporation. Such being the factual position, this Court is of the opinion that the award of the Tribunal is not excessive and in fact, the Tribunal has adopted the procedure while fixing the compensation which do not deserve any reconsideration. Accordingly, the order passed by the Motor Accident Claims Tribunal, Principal Sub Court, Dindigul, in M.C.O.P.No.203 of 2014, dated 04.03.2016 is confirmed and the Civil Miscellaneous Appeal is dismissed.

6. In view of the dismissal of the appeal, the appellant/Tamil Nadu State Transport Corporation is directed to deposit the entire award amount with accrued interests and costs within a period of four weeks from the date of receipt of a copy of this order, if not already deposited and on such deposit being made, the claimant is permitted to withdraw the award amount with accrued interests and costs. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Subordinate Judge,
Motor Accident Claims Tribunal
Dindigul.

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

+1cc to M/s.P.PRABHAKARAN Advocate in SR. No. 80064

+1cc to M/s.S.POORNACHANDRAN Advocate in SR. No. 80087

AKV/IS

JS/JC/SAR.4/27.10.2017/2P-5C

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