



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A(MD) No.377 of 2015

and

M.P(MD) No.1 of 2015

The Managing Director,
State Express Corporation,
Pallavan Salai,
Chennai-2.

... Appellant/Respondent

Vs.

R.Arokiasamy

...Respondent/Petitioner

Prayer: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree passed in M.C.O.P. No.1252 of 2009, dated 26.08.2014 on the file of the Motor Accidents Claims Tribunal- III Additional Sub-Court, Thiruchirappalli.

For Appellant : Mr.P.Prabhakaran

For Respondent : No Appearance

JUDGMENT

This Civil Miscellaneous Appeal has been filed by the Managing Director, State Express Transport Corporation, challenging the award dated 26.08.2014 made in M.C.O.P.No.1252 of 2009 on the file of the of the Motor Accidents Claims Tribunal- III Additional Sub-Court, Thiruchirappalli.

2.The respondent herein filed the said claim petition seeking the payment of a sum of Rs.2,00,000/- (Rupees Two Lakhs only) as compensation for the injuries suffered by him on 12.02.2009. It is the case of the respondent herein that when he was riding his bicycle, the bus belonging to the appellant Corporation dashed against him, since it was driven in a rash and negligent manner.

3.The Tribunal gave a finding that the accident took place on account of rash and negligent driving of the driver employed with the appellant Corporation. Therefore, applying the principle of vicarious liability, the appellant is held liable to pay the



compensation. There is no reason to interfere with the said finding.

4.As regards the quantum of compensation payable to the respondent, the Court below noted that the disability suffered by the respondent herein was 42%. Considering the age of the respondent, a sum of Rs.84,000/- (Rupees Eighty Four Thousand only) was quantified under the said head. After quantifying the other heads of damages payable to the claimants, a sum of Rs.1,51,648/- (Rupees One Lakh Fifty One Thousand Six Hundred and Forty Eight only) was directed to be paid as compensation. The award amount cannot be said to be excessive. The said amount is clearly justifiable.

5.I find no reason to interfere with the award passed by the Tribunal. I find no merits in this appeal. The Civil Miscellaneous Appeal stands dismissed. Consequently, M.P.(MD)No.1 of 2015 is also closed. No costs.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The III Additional Subordinate Judge,
Motor Accidents Claims Tribunal,
Thiruchirappalli.

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

+ 1 cc TO Mr.P.Prabhakaran , Advocate in SR No. 81868

mrn/das
AE/SKN RSK/SAR3/04.12.2017/3P/4C

C.M.A(MD) No.377 of 2015
06.10.2017