



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.44 of 2015
and
M.P (MD) No.1 of 2015

The Managing Director,
State Express Transport Corporation,
Division I, Pallavan Salai,
Chennai.

... Appellant/1st Respondent

Vs.

1.P.Kalai Selvi

... 1st Respondent/Petitioner

2.C.Revathy

3.The New India Assurance Company Limited,
Prasanth Mansion, 1st Floor, Powerpet
Eluru - 534 002.

... 2nd & 3rd Respondent/
2nd & 3rd Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the judgment and decree made in MCOP.No.2022 of 2009 dated 21.10.2013 on the file of the Motor Accident Claims Tribunal/III Additional Sub Court, Trichirappalli.

For Appellant : Mr.P.Prabhakaran
For Respondents : Mr.M.Jegadeesan for R1
Mr.S.Lakshmanan for R3
No Appearance for R2

JUDGMENT

State Express Transport Corporation has filed this Civil Miscellaneous Appeal challenging the award dated 21.10.2013 made in MCOP.No.2022/2009 on the file of the Motor Accident Claims Tribunal/ III Additional Sub Court, Trichirappalli.

2.The said claim petition was filed by the first respondent. She was travelling as a passenger in the bus belonging to the appellant corporation. Since the driver attempted to over take the trailer lorry in a rash and negligent manner, the accident in question happened and the claimant suffered injuries. The Tribunal awarded a sum of Rs.3,24,081/- with interest at the rate of 7.5% per annum. Aggrieved by the same, this appeal has been filed.



3. There is nothing on record to show that the award is liable to be interfered with. F.I.R is registered against the driver of the appellant corporation. The driver was not examined. The Trial Court found that the FIR allegations and averments in the claim petition tally. Fixing of negligence on the appellant stands confirmed. The medical bills alone have come to Rs.1,38,081/-. The damages awarded under other heads cannot be said to be excessive. The award passed by the Tribunal is confirmed.

4. This Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The III Additional Subordinate Judge,
Motor Accident Claims Tribunal, Trichirappalli.

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

+1cc to Mr.P.Prabhakaran, Advocate Sr.No.82901

+1cc to Mr.M.Jegadeesan, Advocate Sr.No.82942

+2cc to Mr.S.Lakshmanan, Advocate Sr.No.82895

SKM

VB/GT/SAR2/03/11/2017/2P/7C

C.M.A. (MD) No.44 of 2015
and
M.P (MD) No.1 of 2015

13.10.2017