



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:25.4.2013

CORAM:

THE HONOURABLE MR.JUSTICE G.M.AKBAR ALI

C.M.A. (MD) No.923 Of 2013
and MP (MD) No.1 of 2013

The Managing Director,
State Express Transport Corporation,
Division-I, Kamarajar Salai,
Chennai-5.

.. Appellant/1st Respondent

Vs.

1. Sahaya Luyis
2. D.Ganesan
3. The Branch Manager,
United India Insurance Company Limited,
C1(Old No.C52), First Main Road,
First Floor, Anna Nagar,
Chennai.

..Respondent/Claimant

.. Respondents 2&3 /Respondents 2&3

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988 against the award dated 3.1.2007 made in M.C.O.P.No.1400 of 2002, on the file of the Motor Accident Claims Tribunal-cum- Sub-Court, Tiruchirappalli.

For Appellant : M/s.M.Prakash

JUDGMENT

The Civil Miscellaneous Appeal is filed against the award dated 3.1.2007 made in M.C.O.P.No.1400 of 2002, on the file of the Motor Accident Claims Tribunal-cum- Sub-Court, Tiruchirappalli.

2. It is the case of the claimant that when the claimant was returning from Madras to Trichy in appellant/Transport Corporation Bus bearing Registration No. TN)1 N 6337, the same was driven by its driver in a rash and negligent manner and when crossed a Tata Sumo van dashed Mahendra Van bearing registration No. TN 20 Y 9696 insured with the third respondent and due to which the claimant caused several injuries. Therefore the claimant claimed a sum of Rs.2 lakhs as compensation before the tribunal.

3. Before the Tribunal the claim was resisted by the appellant on various grounds including negligence . After analyzing oral and documentary evidence, the Tribunal fixed the liability on the appellant and awarded a sum of Rs.45,000/- as compensation with interest at the rate of 7.5% per annum. Aggrieved over the same, the claimant is before this Court.



4. The learned counsel for the appellant submitted that the amount awarded by the Tribunal is on higher side in all heads.

5. The learned counsel for the claimant submitted that the Tribunal after examining the witnesses and analyzing the documents the Tribunal has awarded a just and reasonable compensation and therefore, no interference is necessary.

6. Heard the learned counsel for the appellant and the learned counsel for the respondent / claimant and perused the entire materials on record.

7. On perusal of the record would show that the appellant has not examined their driver to speak about the accident, but the claimant has examined himself as P.W.1 and produced Ex.P1 to Ex.P6 to show that the driver of the appellant/Transport Corporation is negligent. As far as the quantum of compensation is concerned, the Tribunal after examining the witnesses and analyzing the documents has awarded just and reasonable compensation and therefore, I do not find any infirmity in the award passed by the Tribunal. Hence, I am of the opinion that no interference is necessary in the award passed by the Tribunal.

8. In the result, the Civil Miscellaneous Appeal is dismissed and the award of the Tribunal is confirmed. No costs. Consequently, connected M.P. is closed.

9. The appellant/Transport Corporation is directed to deposit the amount as awarded by the Tribunal, within a period of six weeks from the date of receipt of a copy of this order, if not already deposited. The claimant is permitted to draw the same by making necessary application with accrued interest and costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Motor Accident Claims Tribunal, Sub-Court, Tiruchirappalli.

+1cc to Mr. M.Prakash Advocate SR.No.23870.

TS/11.07.2013/2P-3c

C.M.A. (MD) No.923 of 2013

25.4.2013