



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 05.10.2018

CORAM:

THE HONOURABLE Mrs. JUSTICE S. RAMATHILAGAM

C.M.A.No.158 of 2006

and

C.M.P.No.499 of 2006

Tamil Nadu State Transport Corporation Ltd.,
rep. by its Managing Director,
Salem. ... Appellant/Respondent

Versus

Manivannan

... Respondent/Claimant

Prayer : Civil Miscellaneous Appeal filed under Sections 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 06.01.2005 made in M.C.O.P.No.57 of 2002 on the file of the Motor Accident Claims Tribunal (Additional District and Special Judge), Salem.

For Appellant : M/s.R.Arunmozhi

For Respondent : Respondent Served-No Appearance

J U D G M E N T

This Civil Miscellaneous Appeal has been filed against the Judgment and Decree dated 06.01.2005 made in M.C.O.P.No.57 of 2002 on the file of the Motor Accident Claims Tribunal (Additional District and Special Judge), Salem.

2. The facts of the case are as follows :

On 17.07.2001 at about 22.30 hours, the claimant was traveling in the respondent bus bearing Registration No.TN-27-N-1360 as a passenger, while the bus was proceeding near a place A.V.K.farm at GST Road at Melmaruvathur, the driver of the said bus drove the vehicle in a rash and negligent manner and hit against the lorry, which was came in the opposite direction. Due to the accident, the claimant sustained multiple grievous injuries all over the body and treatment was given. The claimant has claimed a sum of Rs.1,00,000/- as compensation.



3. The appellant/Transport Corporation, in the counter statement, has denied the accident and the rash and negligent driving on the part of the bus. The averment made by the appellant/Transport Corporation that after getting the signal from the driver of the lorry, the driver of the bus attempted to overtake the lorry which was going in front of the bus. The driver of the lorry drove the vehicle in a rash and negligent manner without considering the signal of the driver of the bus coming in the opposite direction dashed against the bus. The other aspects regarding the age, occupation and income of the claimant were also denied.

4. The Tribunal, after analyzing the evidence and documents placed before it, has given a finding that the witnesses examined on the side of the claimant have clearly deposed that the accident occurred due to the rash and negligent driving of the driver of the bus and the passengers in the said bus sustained injuries. Ex.A1-FIR has stated that the driver of the bus, who attempted to over take the lorry has caused the accident, hence, the driver of the bus was responsible for the accident. Further R.W.1 also examined before the Tribunal, he has also deposed that while the corporation bus attempted to over take the private bus, the lorry came in the opposite direction, on seeing the lorry, the driver of the corporation bus has reduced the speed, at that time, the accident occurred. According to R.W.1, the accident occurred due to the rash and negligent driving on the part of the driver of the lorry. A complaint was given by one Desing, who is the driver of the alleged lorry. In the said complaint, he has narrated the manner of the accident. It is observed that at the time when he attempted to over take, the corporation bus dashed against the lorry. Hence, the driver of the bus is responsible for the accident.

5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. Based on the evidence and documents, the tribunal after assessing the age, income, occupation of the claimant and also verifying the injury sustained by him, medical expenses, period of treatment underwent by him, has determined the sum of Rs.70,000/- as compensation with interest at 9% per annum against the claim of Rs.1,00,000/- is quite reasonable.

7. Hence, in view of the evidence and documents, the finding of the Tribunal with regard to the liability and the sum awarded by the Tribunal are quite reasonable and proper. This Court is



unable to see any reason to interfere with the findings of the Tribunal.

8. Accordingly, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

The Motor Accident Claims Tribunal
(Additional District and Special Judge), Salem.

Copy to

The Section Officer,
V.R.Section,
High Court, Madras.

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and
C.M.P.No.499 of 2006

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srg 06/11/2019