

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.1405 of 2008

and

M.P.NO.1 of 2008

The Managing Director,  
Tamil Nadu State Transport Corporation,  
Division III, Kancheepuram. ... Appellant/Respondent  
Vs

Kiliammal ... Respondent/Petitioner

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Award made in MCOP No. 9 of 2004 dated 31.07.2007 on the file of the Motor Vehicles Accident Claims Tribunal and Sub Court at Madurandagam.

For Appellant : Mr.K.J.Sivakumar

For Respondent : No Appearance

J U D G M E N T

The instant appeal has been filed by the Transport Corporation challenging the Award dated 31.07.2007 passed by the Motor Accident Claims Tribunal, (Sub Court, Madurandagam) in MCOP No. 9 of 2004.

2.The brief facts leading to the filing of the instant appeal are as follows;

(i)The respondent sustained injuries as a result of an accident caused by a bus bearing Registration No. TN-21-N-0047 owned by the appellant Transport corporation. The respondent preferred a claim before the Motor Accidents Claims Tribunal seeking a compensation of Rs.1,00,000/- in MCOP.No.9 of 2004. The Motor Accidents Claims Tribunal by its award dated 31.07.2007 in MCOP.No.9 of 2004 directed the appellant to pay the respondent a sum of Rs.30,000/- together with interest at 7.5% per annum from the date of claim till the date of realisation.

(iii) Aggrieved by the award dated 31.07.2007 passed by the Motor Accident Claims Tribunal in M.C.O.P.No.9 of 2004, the instant appeal has been filed by the appellant Transport Corporation.

3. Heard Mr.K.J.Sivakumar, learned counsel for the appellant. Till date notice has not been served on the respondent. Since the appeal relates to the year 2008 and this Court is going to confirm the award, there is no necessity for the appellant to serve the notice on the respondent.

4. According to the learned counsel for the appellant, the primary ground for challenge in the instant appeal is that the respondent who claims to be a passenger in the bus did not produce the ticket before the Tribunal.

5. This Court has examined the award. As seen from the findings of the award, the respondent was a passenger in the bus and he sustained injuries only due to the rash and negligent driving by the driver of the bus owned by the appellant Transport Corporation. The respondent before the Tribunal has filed documents which are marked as exhibits. But no documents were filed on the side of the appellant before the Tribunal. Apart from the respondent, some other passengers travelling in the same bus were also injured due to the rash and negligent driving by the driver of the bus owned by the appellant Transport Corporation.

6. The Tribunal has considered the oral and documentary evidence of both the appellants and respondent and only thereafter has passed the impugned award in favour of the respondent. No contra evidence has been produced by the appellant to prove that the respondent was a ticketless traveler. Further, the sum awarded to the respondent under the impugned award is only Rs.30,000/-.

7. Therefore, in the considered view this Court, there is no merit in the instant appeal. Accordingly, the appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

AT

To

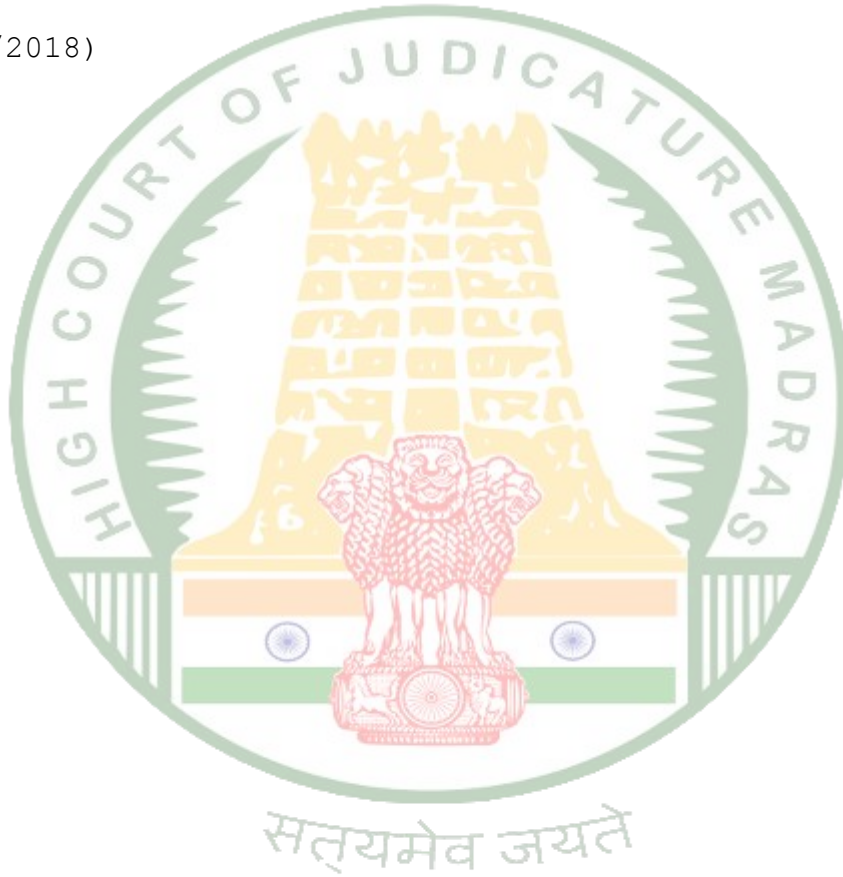
1. The Motor Vehicles Accidents Claims Tribunal,  
Sub Court, Madurandagam.

+1cc to Mr.K.J.Sivakumar, Advocate SR.No.63057

C.M.A.No.1405 of 2008

GJ (CO)

GMV (26/10/2018)



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