

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2018

CORAM

THE HONOURABLE MR. JUSTICE Abdul Quddhose

C.M.A.No.1424 of 2008

The Managing Director,
Tamil Nadu State Transport Corporation
Division III, Kancheepuram.

..Appellant

..Vs..

Rani

..Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award made in MCOP No.11 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 : Mr.K.Govi Ganesan

J U D G M E N T

The instant appeal has been filed by the Transport Corporation, challenging the award of compensation to the respondent under the Judgment and decree dated 31.07.2007 passed by the Motor Accident Claims Tribunal (Sub Court at Madurandagam) in MCOP No.11 of 2004.

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

2. The respondent, a laborer was travelling as a passenger in the bus bearing registration No. TN21-N-0047 on 14.06.2002 owned by the appellant/corporation. While travelling on that date, the bus met with an accident causing injury to the respondent as well as the other passengers who had travelled in the same bus. The respondent made a claim before the Motor Accident Claims Tribunal in MCOP No.11 of 2004, seeking recovery of compensation of Rs.50,000/- from the appellant, even though she was entitled to get a compensation of Rs 73,000/-, on account of the rash and negligent driving by the driver of the bus owned by the appellant corporation. The Motor Accident Claims Tribunal by its judgment and decree dated 31.07.2007 directed the appellant to pay the respondent a sum of Rs.20,000/- together with interest at 7.5% per annum from the

date of claim till the date of realization and also direct the appellant to pay a sum of Rs.1,000 as costs.

3. Aggrieved by the Award dated 31.07.2007 passed by the Motor Accident Claims Tribunal, the instant appeal has been filed by the Transport Corporation.

4. Heard Mr.K.J.Sivakumar learned counsel for the appellant and Mr.Govi Ganesan learned counsel for the respondent.

5. According to the learned counsel for the appellant, the primary ground for challenge in the instant appeal is that the respondent has not established that she was a passenger, by filing the ticket.

6. The learned counsel for the appellant would further contend that the Tribunal has erroneously awarded compensation to the respondent for the injuries suffered by her as well as separately awarded compensation towards reimbursement of medical expenses allegedly incurred by the respondent. The learned counsel for the appellant would further contend that the discharge summary, accident register and Doctor's evidence were not produced by the respondent to ascertain the nature of injuries.

7. Per contra, the learned counsel for the respondent would submit that, even though the claim was made by the respondent was for a sum of Rs.50,000/-, the Tribunal has awarded only Rs.20,000, which is a reasonable compensation and does not call for any interference.

8. This Court has perused and examined the award passed by the Tribunal and observes the following:

a. The respondent has filed 15 documents which were marked as Exs. P1 to P15 by the Tribunal in support of her claim. As seen from the exhibits, it is evidently clear that the respondent had undergone hospitalization, on account of the injuries suffered by her due to the accident caused by the bus owned by appellant corporation.

b. The Tribunal has considered all the documents filed by the respondent which were marked as exhibits and only thereafter, has passed the impugned award.

c. The claim of the respondent before the Tribunal was for a sum of Rs.50,000/-, but the Tribunal has awarded only Rs.20,000/- which in the considered opinion of this Court is a reasonable sum.

9. This Court does not find any illegality or infirmity in the impugned award and there is no merit in the instant appeal.

10. Accordingly, the Civil Miscellaneous Appeal is dismissed. No costs.

s/d-
Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

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To

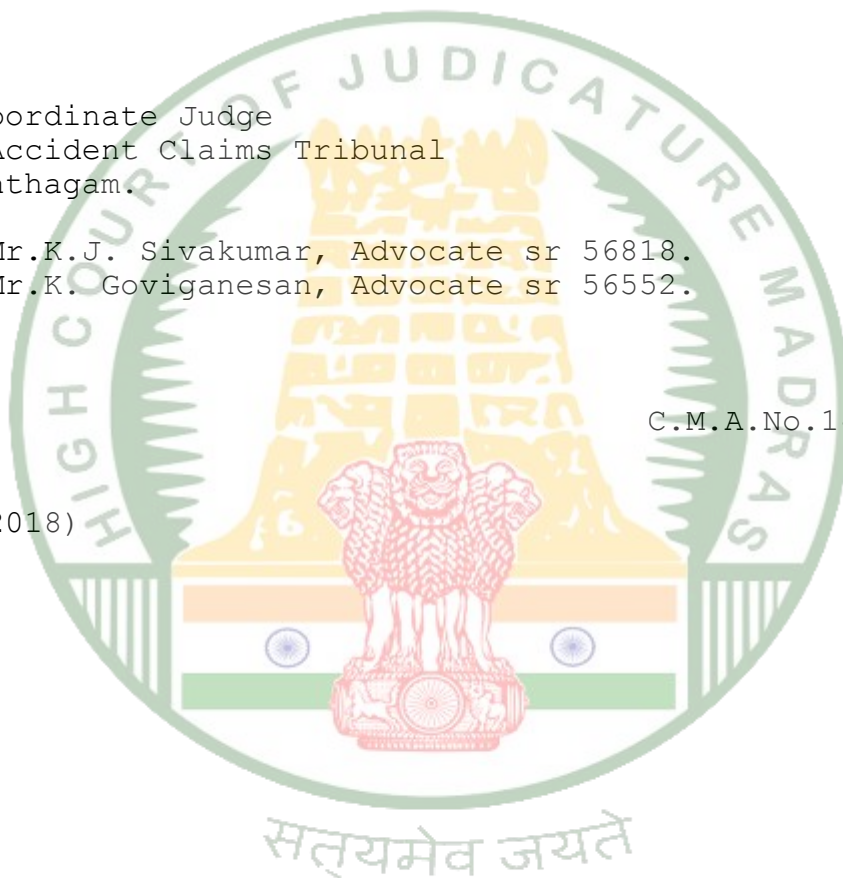
1. The Subordinate Judge
Motor Accident Claims Tribunal
Maduranthagam.

+1 cc to Mr.K.J. Sivakumar, Advocate sr 56818.

+1 CC to Mr.K. Goviganesan, Advocate sr 56552.

C.M.A.No.1424 of 2008

NRL (CO)
SP(10/09/2018)



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