

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.1871 of 2008

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Ramakrishna Main Road
Salem.

...Appellant/Respondent

Vs

Vadivel

...Respondent/Petitioner

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Award and decree made in MCOP No. 194 of 2005 dated 07.11.2007 on the file of the Motor Vehicles Accident Claims Tribunal and Fast Track Court at Kallakurichi.

For Appellant : Mr.D.Venkatachalam

For Respondent : Mr.V.Raghavachari

J U D G M E N T

The instant appeal has been filed by the Transport Corporation challenging the Award dated 07.11.2007 passed by the Motor Vehicles Accident Claims Tribunal and Fast Track Court at Kallakurichi in MCOP.No.194 of 2005.

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-27-N-0440 owned by the appellant transport corporation. The respondent preferred a claim before the Motor Accidents Claims Tribunal in MCOP.No.194 of 2005 seeking a compensation of Rs.4,00,000/-.

(ii) The Motor accident Claims Tribunal, by its award dated 07.11.2007 in MCOP.No.194 of 2005 directed the

appellant transport corporation to pay the respondent a sum of Rs.86,500/- together with interest at 7.5% per annum from the date of claim till the date of realisation.

(iii) Aggrieved by the award dated 07.11.2007 passed in M.C.O.P.No.194 of 2005, the instant appeal has been filed by the Transport Corporation.

3. Heard Mr.D.Venkatachalam, learned counsel for the appellant and Mr.V.Raghavachari learned counsel for the respondent.

4. According to the learned counsel for the appellant, the primary ground for challenge in the instant appeal is that the respondent did not file wound certificate, discharge summary, medical bills before the Tribunal to establish his claim.

5. Per contra, the learned counsel for the respondent would submit that he has filed the medical records from the Salem Government Hospital which was marked as Ex.P2 before the Tribunal to establish that he underwent treatment as a result of the injuries sustained by him due to the accident.

6. This Court, after having considered the materials available on record and after examining the impugned award and after hearing the submissions of the respective counsels observes the following;

a. The nature of injuries sustained by the respondent as a result of the accident caused by the bus owned by the appellant Transport Corporation has not been disputed by the appellant Transport Corporation before the tribunal.

b. The respondent has also filed 6 documents before the Tribunal which were marked as Ex.P1 to P6 and has also examined 2 witnesses P.W.1 and P.W.2. P.W.1 is the respondent himself and P.W.2. is the Doctor. No documents have been filed by the appellant before the Tribunal and they have examined only one witness namely R.W.1.

c. The medical records from Salem Government Hospital was produced by the respondent before the Tribunal which was marked as Ex.P2 which establishes that the respondent had underwent medical treatment for the injuries sustained by him as a result of the accident caused by a bus owned by the appellant Transport Corporation.

d. No contra evidence has been produced by the appellant to disprove the claim of the respondent.

7. Considering the nature of injuries sustained by the respondent and his age, the Tribunal has rightly awarded the compensation of Rs.86,500/- in favour of the respondent.

8. In the light of the above observations, this Court is of the considered view that there is no merit in the instant appeal. Accordingly, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

AT

To

1. The Motor Vehicles Accidents Claims Tribunal,
Fast Track Court,
Kallakurichi.
- 2.The Section Officer,
VR Section,
High Court, Madras.

+1cc to Mr.D.Venkatachalam, Advocate, S.R.No.63093

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.63131

C.M.A.No.1871 of 2008

SJ(CO)
GSP(30/10/2018)

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