

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2018

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.2961 of 2010

M.P.No.1 of 2010

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Govai Division - 1, 37, Mettupalayam Road,
Coimbatore.

.. Appellant/Respondent

..Vs..

K.Nagarajan

..Respondent/Petitioner

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Award made in MCOP.No.243 of 2007 dated 09.04.2009 on the file of the Motor Vehicles Accident Claims Tribunal and Additional District Judge, F.T.C.No.4, Coimbatore at Tiruppur.

For Appellant : Mr. K.J.Sivakumar

For Respondent : Mr.Ma.P.Thangavel

J U D G M E N T

The instant appeal has been filed by the Transport Corporation challenging the Award dated 09.04.2009 passed by the Motor Accident Claims Tribunal, Additional District Court, Fast Track Court, Coimbatore at Tirupur in M.C.O.P No.243 of 2007.

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

2. The respondent sustained injuries as a result of an accident that took place on 14.11.2006 at about 3.10 p.m. caused by a bus bearing Registration No.TN47-N-0667 owned by the Appellant Transport Corporation. The respondent preferred a compensation claim for a sum of Rs.5,00,000/-before the Motor Accident Claims Tribunal, Additional District Court, Fast Track Court, Coimbatore at Tirupur in MCOP. No. 243 of 2007. The Tribunal by its award dated 09.04.2009 in MCOP No.243 of 2007, directed the Appellant to pay the respondent a sum of Rs.1,27,614/- together with interest at the rate of 7.5 % per annum from the date of claim till the date of realisation.

3. Aggrieved by the Award dated 09.04.2009 passed by the Motor Accident Claims Tribunal in MCOP.No.243 of 2007, the instant appeal has been filed by the Appellant Transport Corporation.

4. Heard Mr.K.J.Sivakumar, learned counsel for the appellant and Mr.Ma.P.Thangavel, learned counsel for the respondent.

5. According to the learned counsel for the Appellant, the grounds raised in the instant appeal are as follows:

a) The Tribunal failed to consider that the respondent was travelling in a two wheeler along with three other persons.

b) The Tribunal failed to consider that the respondent did not produce any document to prove that he had to undergo medical treatment as a result of the injuries sustained by him, due to the accident.

c) Without any proper justification, the Tribunal has erroneously awarded the compensation to the respondent under various heads.

6. Per contra, learned counsel for the respondent would submit that the respondent has established his claim before the Tribunal by filing 8 documents which were marked as exhibits P1 to P8. According to the learned counsel for the respondent, no contra evidence was produced by the appellant before the Tribunal to disprove the claim of the respondent.

7. This Court, after having considered the materials available on record and after having examined the impugned award and after hearing the submissions of the respective counsels is of the considered view that the Tribunal has awarded compensation under various heads to the respondent only in accordance with the settled principles of law. This Court does not find any infirmity in the award passed by the Tribunal.

8. In the result, the Appeal is dismissed without costs. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

9. Accordingly, the Appellant is directed to deposit the award amount passed by the Tribunal along with the interest, after deducting the amount that has already been deposited, to the credit of MCOP.No.243 of 2007 dated 09.04.2009 on the file of the Motor Vehicles Accident Claims Tribunal and Additional District Judge, F.T.C.No.4, Coimbatore at Tiruppur within a period of four weeks from the date of receipt of a copy of this Order. On such deposit being made, the respondent is permitted to withdraw the amount lying to the credit of MCOP.No.243 of

2007 dated 09.04.2009 on the file of the Motor Vehicles Accident Claims Tribunal and Additional District Judge, F.T.C.No.4, Coimbatore at Tiruppur by filing an appropriate application.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kyl/nl

To

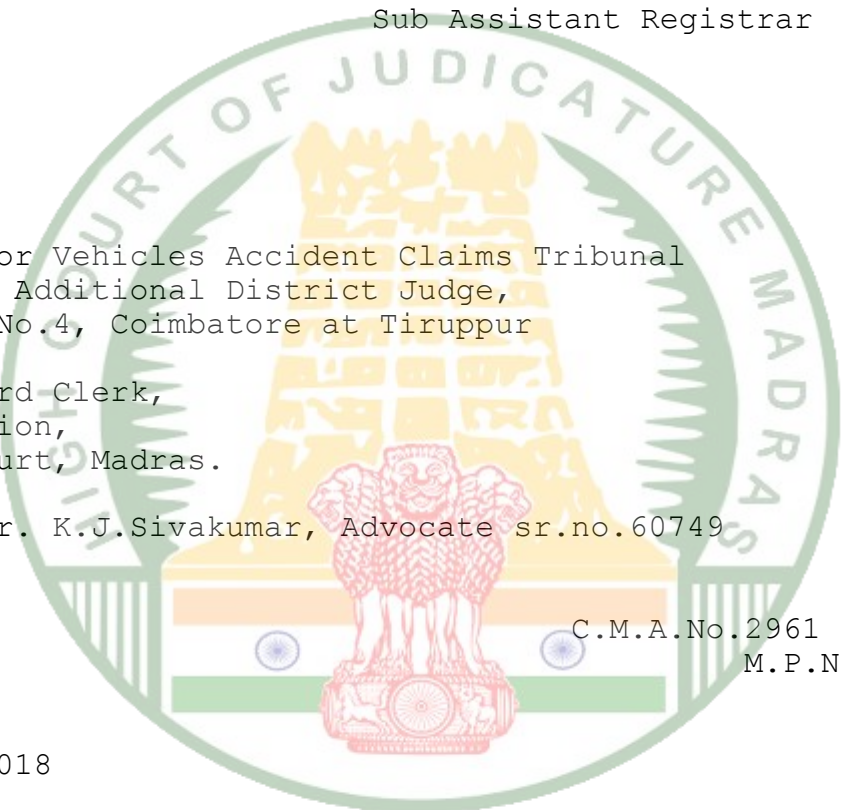
1.The Motor Vehicles Accident Claims Tribunal
and Additional District Judge,
F.T.C.No.4, Coimbatore at Tiruppur

2.The Record Clerk,
VR Section,
High Court, Madras.

+1cc to Mr. K.J.Sivakumar, Advocate sr.no.60749

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M.P.No.1 of 2010

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The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the gopuram is a red elephant capital. The entire emblem is set against a green background with a white border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular path around the central emblem. At the bottom of the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is inscribed in Devanagari script.

सत्यमेव जयते

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