



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2018

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A(MD) .No.282 of 2018

and

CMP(MD) No.4048 of 2018

Tamil Nadu State Transport Corporation Limited,
Kumbakonam Unit,
Karaikudi,
Sivagangai District.
Represented by its Manager

... Appellant/Respondent

Vs.

Kalimuthu

... Respondent/Petitioner

PRAYER:- Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 24.07.2017, passed in M.C.O.P.No.31 of 2013 on the file of the Motor Accidents Claims Tribunal, Sub Court, Sivagangai.

For Appellant : Mr.P.Prabhakaran

For Respondent : Mr.S.Pugalendhi

JUDGMENT

This Civil Miscellaneous Appeal has been filed challenging the award passed by the learned Subordinate Judge, Motor Accidents Claims Tribunal, Madurai in M.C.O.P.No.31 of 2013, dated 24.07.2017.

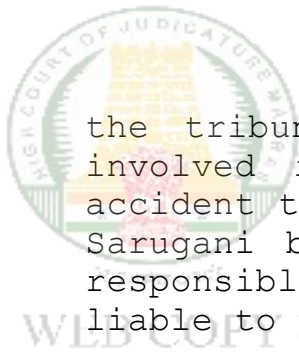
2. Heard the learned Counsel appearing on either side and perused the records carefully.

3. It is a case of injury and the tribunal has awarded a sum of Rs.50,000/- as compensation, against which, the Appellant/Transport Corporation company is before this Court.

4. Though several grounds are raised in the memorandum of grounds, the main ground on which the appellant Corporation has filed this appeal is on liability.

<https://hcservices.ecourts.gov.in/hcservices/>

5. The learned Counsel for the appellant submitted that



the tribunal failed to note that the appellant's bus was not involved in the alleged accident and at the time of alleged accident the appellant's bus was at Sivagangai bus stop and not at Sarugani bus stop and that the driver of the appellant was not responsible for the accident and therefore, the appellant is not liable to pay compensation to the respondent.

6. It is seen from the records that P.W.1 Kalimuthu and his wife P.W.2 Lakshmi, vividly spoken about the manner in which accident took place and the involvement of the appellant's bus. To defend their evidence nothing has been elucidated during their cross examination. It is not in dispute that the bus is a route bus. It is also seen from the records that the appellant has not proved before this Court that the place of occurrence is far away from the bus stand and the claimant is an uneducated person and therefore, he cannot expect to tell the right time, when the accident had taken place. It is true that the accident had taken place and the bus is a route bus and therefore, it is possible to say the time of occurrence with plus or minus 10 to 15 minutes and the learned Judge has elaborately discussed the same at paragraph No.6 and 7 of the judgment, holding that the driver of the appellant Corporation is the cause for the accident and I did not find any infirmity over the same.

7. Since the sole ground emphasized by the appellant lacks merit, this civil miscellaneous appeal is liable to be dismissed and the same is accordingly dismissed. The award passed by the tribunal in M.C.O.P.No.31 of 2013 dated 24.07.2017 is hereby confirmed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

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To

1.The Subordinate Judge,
Motor Accidents Claims Tribunal, Sivagangai

2.The Record Keeper, (2 COPIES)
Vernacular Records Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC TO Mr. P.Prabhakaran , Advocate, Sr.No. 64641

+1 CC TO Mr. S.Pugalendhi, Advocate, Sr.No. 64685

JAM/01/06/2018/ SKN-RSK/ SAR 4/ 2P-6C