

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2019

CORAM:

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

CMA.No.1048 of 2008
and
CMP.No.582 of 2008

The Managing Director,
Tamil Nadu State Transport Corp.
(Salem Division II) Ltd.,
Bharathipuram,
Dharmapuri - 5.

...Appellant/Respondent

vs.

Madhan

... Respondent/Petitioner

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the decree and Judgment dated 16.07.2002 passed in MCOP.No.15 of 2002 on the file of the Motor Accident Claims Tribunal / Additional Special Judge, Krishnagiri at Dharmapuri.

For Appellant : Mr.S.V.Vasanth Kumar

For Respondent : No appearance

J U D G M E N T

The Managing Director, Tamil Nadu State Transport Corporation Limited has filed the present appeal against the orders dated 16.07.2002 passed in MCOP.No.15 of 2002 by the Additional Special Judge / Motor Accident Claims Tribunal, Krishnagiri at Dharmapuri.

2. The respondent / claimant filed the above said claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation of Rs.15,00,000/- for the injuries sustained by him in a road accident on 25.06.2000.

3. The case of the respondent / claimant in nutshell is as follows:

On 25.06.2000, the respondent / claimant was a conductor in a bus bearing Registration No. TN 29 N 0660 belonging to the appellant and the bus was proceeding from Thekkalnayakkanpatti to Dharmapuri and at about 12.45 pm, when the bus was nearing Cholakkottai Government Higher Secondary School, Dharmapuri, the driver of the bus drove the bus rashly and negligently and applied sudden brakes, as a result of which, the claimant was thrown out of the bus and sustained injuries all over his body. According to the claimant, the rash and negligent driving of the driver of the bus belonging to the appellant / Tamil Nadu State Transport Corporation Limited was the cause of the accident and therefore, they are liable to pay compensation.

4. The Tamil Nadu State Transport Corporation Limited contested the claim petition and the learned Additional Special Judge / Motor Accident Claims Tribunal, Krishnagiri at Dharmapuri after analysing the evidence on record, awarded a compensation of Rs.6,94,500/- together with interest at the rate of 9% per annum to the claimant. Aggrieved over the orders passed by the Tribunal, the Managing Director, Tamil Nadu State Transport Corporation Limited has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. Mr.S.V.Vasantha Kumar, learned counsel appearing for the appellant / Tamil Nadu State Transport Corporation Limited contended that the Tribunal without considering the evidence on record, had awarded an exorbitant amount of Rs.6,94,500/- together with interest at the rate of 9% per annum and therefore the same should be scaled down.

6. No appearance on behalf of the respondent.

7. A perusal of the records shows that the respondent / claimant fell down from the moving bus and was ran over by the front wheel of the bus. His left hand was amputated up to wrist level and Dr.Ashok kumar (PW3) had assessed the partial permanent disability as 75%. The Tribunal after considering all the aspects of the case, had awarded a just compensation of Rs.6,94,500/- together with interest at the rate of 9% per annum. By no stretch of imagination, the award passed by the Tribunal can be said to be exorbitant and in the facts and circumstances of the present case, the appeal fails and is dismissed.

8. In the result,

(i) The Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

(ii) The orders passed by the Tribunal is upheld.

(iii) The appellant / Tamil Nadu State Transport Corporation Limited is directed to deposit the compensation awarded by the Tribunal i.e., Rs.6,94,500/- (less the amount already deposited) together with interest at the rate of 9% per annum from the date of claim petition till the date of deposit to the credit of MCOP.No.15 of 2002 on the file of the Motor Accident Claims Tribunal / Additional Special Judge, Krishnagiri at Dharmapuri within a period of four weeks from the date of receipt of a copy of this order.

(iv) On such deposit being made, the respondent / claimant is at liberty to withdraw the same, after following the due process of law.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Motor Accidents Claims Tribunal,
The Additional Special Judge,
Krishnagiri at Dharmapuri.

2.The Section Officer,
VR Section, High Court, Madras.

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