

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.06.2019
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.3965 of 2005
and C.M.P.No.19555 of 2005

Metropolitan Transport Corporation Limited
rep.by its Managing Director,
Pallavan Salai,
Chennai-2.

Appellant/Respondent

Vs

Arumugam

Respondent/Petitioner

Appeal filed under Section 173 of the Motor Vehicles Act against the judgment and decree dated 22.12.2004 made in MACTOP No.2641 of 1999 on the file of the Motor Accidents Claims Tribunal (II Judge, Court of Small Causes) at Chennai.

For Appellant : Mr.M.Krishnamoorthy

JUDGMENT

This appeal has been filed by the Transport Corporation against the judgment and decree dated 22.12.2004 made in MACTOP No.2641 of 1999 on the file of the Motor Accidents Claims Tribunal (II Judge, Court of Small Causes) at Chennai.

2.The facts of the case would run thus:

On the fateful day, ie., on 20.11.1998, the respondent herein was travelling in the bus bearing Reg.No.TN-01-N-1857 belonging to the appellant Transport Corporation. At about 13.15 hours, when the bus was proceeding in the Poonamallee High Road, the driver drove the bus rashly and negligently endangering public safety and overtook another bus and dashed against the lamp post. Due to the said impact, the respondent sustained grievous injuries. The respondent filed a claim petition before the Tribunal. The Tribunal awarded a compensation of Rs.1,00,000/- with interest at 9% per annum from the date of petition.

3.Challenging the same, the appellant Transport Corporation has filed the present Civil Miscellaneous Appeal.

4.The learned counsel for the appellant has submitted that

the respondent / claimant was solely responsible for the accident as he negligently tried to enter the running bus at a non-stop, violating the traffic rules and thereby sustained injuries by coming into contact with a lamp post. He also submitted that the compensation awarded by the Tribunal is exorbitant.

5. Heard the learned counsel for the appellant.

6. This appeal was admitted way back on 14.12.2005. The respondent is not ready in notice. The appellant has not taken any steps to serve papers on the respondent, all these years. With regard to negligence, the Tribunal has categorically observed that First Information Report has been filed against the driver of the bus, on the basis of the investigation conducted by the Investigating Officer belonging to E-5 Koyambedu Traffic Police, under Sections 279 and 337 IPC in Crime No.1278/98 and that on considering the evidences given by the witnesses and the exhibits marked, it is very clear that the accident had occurred only due to the rash and negligent driving of the driver of the van. This Court is not inclined to interfere with the said finding. With regard to quantum, based on the evidence given by the Doctor-P.W.2 that the claimant suffered 40% disability, the Tribunal awarded a sum of Rs.54,000/- which is very reasonable. The amounts awarded towards other heads are also very reasonable.

7. In view of the above stated circumstances, the Civil Miscellaneous Appeal is dismissed, confirming the impugned judgment and decree passed by the Tribunal. No costs. Consequently, the connected miscellaneous petition is closed.

8. The appellant Transport Corporation is directed to deposit the award amount as ordered by the Tribunal with interest, after deducting the amount if any already deposited, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant is permitted to withdraw the same, on making proper application before the Tribunal.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

KM

To

1.The Motor Accidents Claims Tribunal
(II Judge, Court of Small Causes) at Chennai.

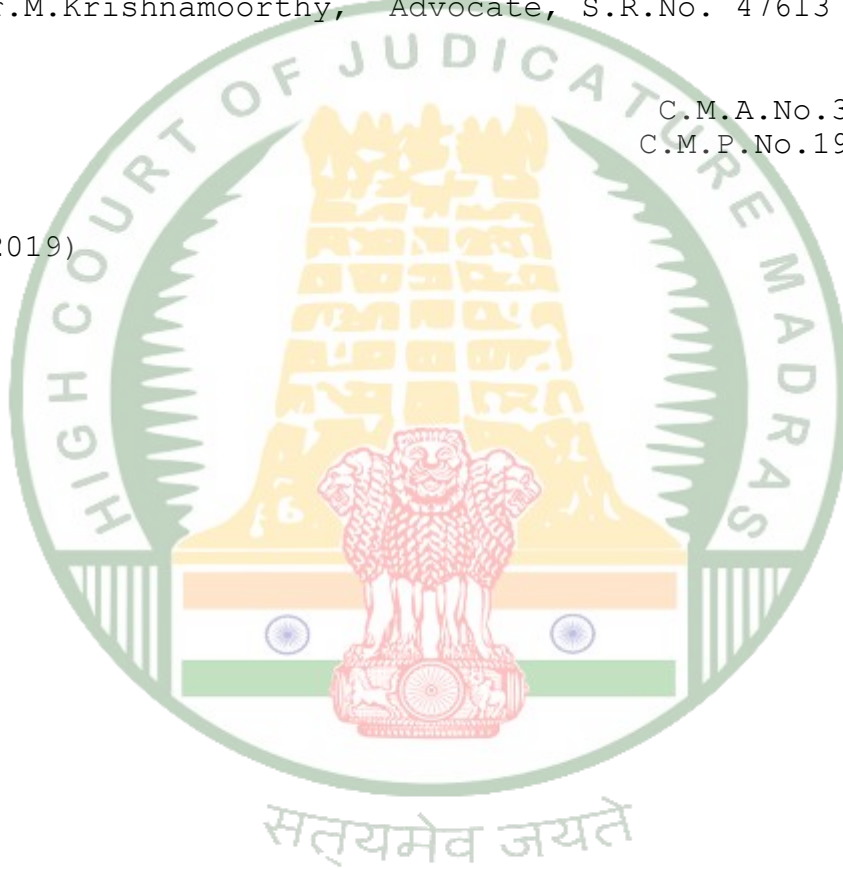
Copy To

The Section Officer,
VR Section, Madras High Court.

+1cc to Mr.M.Krishnamoorthy, Advocate, S.R.No. 47613

C.M.A.No.3965 of 2005
C.M.P.No.19555 of 2005

PPA (CO)
GN(18/11/2019)



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