

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2019

CORAM:

THE HON'BLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.1243 of 2009
and M.P.No.1 of 2009

Tamil Nadu State Transportation
Corporation Ltd. Villupuram,
Represented by,
The Managing Director. .. Appellant /Respondent

Vs.

Panner Pandian .. Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 01.09.2008 made in M.C.O.P.No.379 of 2005 on the file of the Motor Accidents Claims Tribunal, Principal Sub-Court, Villupuram.

For Appellant : Mr.V.Ramesh

For Respondent : Mr.C.Munusamy

J U D G M E N T

The Civil Miscellaneous Appeal is filed by the appellant/Transport Corporation as against the award of a sum of Rs.15,000/- to the respondent/claimant for the injuries sustained by him in a motor vehicle accident.

2.The case in brief is that the respondent met with an accident on 12.04.2005, while he was travelling in a Mini Van bearing Registration No.TN38-B-6610, on account of the rash and negligent driving of the driver of the bus bearing Registration No.TN-32-N-2057 belonging to the appellant Transport Corporation. Due to the said impact, he sustained grievous injuries. He filed a claim petition claiming a compensation of Rs.50,000/-. The Tribunal, considering the pleadings, oral and documentary evidence, held that the accident had occurred due to the rash and negligent driving of the driver of the bus and

hence, directed the appellant/Transport Corporation to pay a sum of Rs.15,000/- as compensation to the respondent/claimant. Aggrieved over the same, the appellant /Transport Corporation has come out with the present appeal.

3.The learned counsel for the appellant/Transport Corporation has disputed only the question on negligence and the liability of the appellant Transport Corporation to pay the compensation. According to him, without considering the fact that the FIR was registered only against the driver of the van, the Tribunal has erred in fixing the negligence on the part of the driver of the bus.

4.Per contra, the learned counsel for the respondent/claimant submitted that the Tribunal, after considering the oral and documentary evidence in a proper perspective, has rightly decided the question on negligence and fixed the liability on the appellant Transport Corporation and awarded the just compensation and hence, the same do not call for any interference by this Court.

5.Heard both sides and perused the records.

6.As there is no dispute with regard to the quantum of compensation awarded by the Tribunal, this Court is not inclined to go into the same in detail and the same is hereby confirmed.

7.As regards the negligence aspect, the respondent/claimant was examined as P.W.1, who deposed in his evidence that the accident had occurred, due to the fault on the part of the driver of the bus belonging to the appellant Transport Corporation. Though Ex.P1-FIR was registered only against the driver of the van, no evidence was adduced on the side of the appellant Transport Corporation to prove that the accident took place due to the fault on the part of the driver of the van. Considering those oral and documentary evidence, the Tribunal has rightly concluded that the accident had occurred due to the rash and negligent driving on the part of the driver of the bus. Accordingly, the Tribunal has fixed the liability on the appellant Transport Corporation and directed them to pay compensation to the respondent/claimant. The said findings rendered by the Tribunal, in the opinion of this Court, are perfectly right and the same warrant no interference.

8.In such view of the matter, this Civil Miscellaneous Appeal is dismissed, thereby confirming the judgement and decree passed by the Tribunal. No costs. Consequently, connected Miscellaneous Petition is closed. The appellant/Transport

Corporation is directed to deposit the award amount along with interest and costs, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal shall transfer the same to the savings bank account of the respondent/claimant through RTGS, within a period of one week thereafter.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

gbi

To

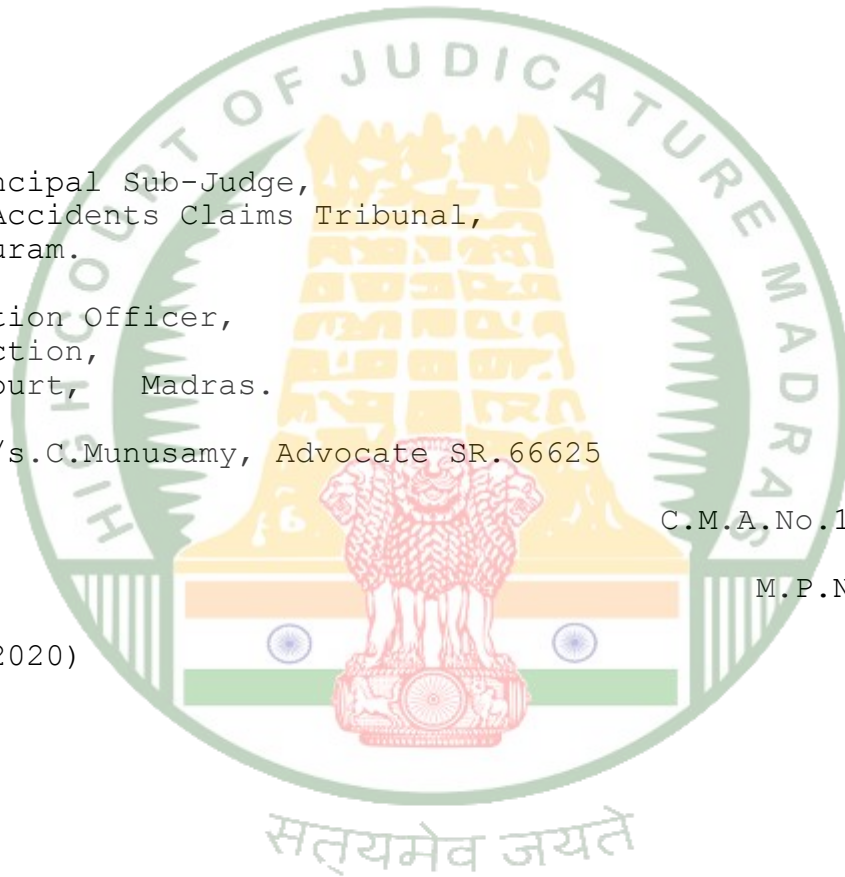
1.The Principal Sub-Judge,
Motor Accidents Claims Tribunal,
Villupuram.

2.The Section Officer,
V.R.Section,
High Court, Madras.

+1cc to M/s.C.Munusamy, Advocate SR.66625

C.M.A.No.1243 of 2009
and
M.P.No.1 of 2009

RSI (CO)
CB(27/02/2020)



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