

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.1356 of 2009
and M.P.No.1 of 2009

The Branch Manager,
Tamil Nadu State Express Transport
Corporation, Chennai. Appellant /Respondent

Vs

Gopalakrishnan Respondent/Petitioner

Appeal under Section 173 of the Motor Vehicles Act against the judgment and decree dated 26.11.2007 made in MCOP No.625 of 2003 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Perambalur.

For Appellant : Mr.S.V.Vasanthakumar

For Respondent : Mr.P.Amarnath

JUDGMENT

This appeal is preferred by the appellant/Transport Corporation against the award of a sum of Rs.40,000/- towards compensation to the respondent, due to the injuries suffered by him in a motor vehicle accident.

2.The case in brief, is as follows:

On the fateful day, ie. on 21.08.2000, the respondent was travelling in the Mini Van bearing Reg.No.TN-21-V-1792 which was proceeding from Palani to Thiruvannamalai in the Trichy-Chennai Highway towards South-North direction. At about 2.15 a.m., when the van reached near Thannirpandal, the bus bearing Reg.No.TN-01-N-6341, belonging to the appellant/Transport Corporation, came from the opposite direction in a rash and negligent manner and both the Mini Van and bus collided with each other. Due to the accident, the respondent sustained grievous injuries and a fracture in his left hand. The respondent / claimant filed a claim petition before the Tribunal. On consideration of the materials and evidence available on record, the Tribunal awarded

a total compensation of Rs.40,000/- with interest at the rate of 7.5% 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 Tribunal has failed to consider that the respondent was travelling in the Mini Van which was driven by its driver rashly and negligently. He further submitted that the compensation awarded by the Tribunal is excessive and exorbitant.

5.The learned counsel for the respondent /claimant has submitted that the Tribunal has rightly considered the materials and evidence available on record and has awarded the compensation which is just and reasonable, and hence the judgment of the Tribunal need not be interfered with by this Court.

6.Heard the learned counsel for the appellant as well as the learned counsel for the respondent and perused the materials available on record carefully and meticulously.

7.The respondent/claimant himself examined as P.W.2, who deposed before the Tribunal that driver of the bus drove it in a rash and negligent manner and dashed against the Mini Van in which he was travelling and due to the same, he sustained grievous injuries. It has been contended on behalf of the appellant that the accident had occurred only due to the rash and negligent driving of the driver of the mini van. Taking note of the complaint filed against the driver of the bus under Ex.P1 and other materials and evidence available on record, the Tribunal came to the conclusion that the accident had occurred only due to the rash and negligent driving of the driver of the bus belonging to the appellant/Transport Corporation, which finding this Court is not inclined to interfere.

8.In respect of the quantum of compensation, the Tribunal has awarded a sum of Rs.10,000/- towards medical expenses, Rs.10,000/- towards pain and suffering and Rs.20,000/- towards disability, based on Ex.P23/discharge summary. The Tribunal has considered the materials and evidence properly and has awarded compensation towards the above heads and hence the same need not be interfered with by this Court.

9.In the result, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed. The appellant/Transport Corporation is directed to deposit the award amount as awarded by the claims Tribunal 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 respondent / claimant is permitted to withdraw the same on making proper application before the Tribunal.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

The Motor Accident Claims Tribunal,
Chief Judicial Magistrate,
Perambalur.

Copy to

The Section Officer,
VR Section,
Madras High Court.

+1cc to Mr.P.Amarnath, Advocate Sr.68911

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