

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2019

CORAM:

THE HON'BLE Mr. JUSTICE R.MAHADEVAN

Civil Miscellaneous Appeal No.3645 of 2008
& M.P.No.1 of 2008

The Managing Director
Tamil Nadu State Transport Corporation Ltd
(Coimbatore Division -II)
Chennimalai Road
Erode - 638 002 : Appellant/2nd Respondent

Vs

1.Muthu Naicker : 1st Respondent/Claimant
2. Ramasubramaniam (Driver)
Tamil Nadu State Transport Corporation Ltd
Bhavani : 2nd Respondent 1st Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award and decree, dated 22.10.2007 made in M.C.O.P.No.238 of 2007 on the file of the Motor Accident Claims Tribunal, Additional District Judge, (Fast Track Court No.IV), Bhavani.

For Appellant : Mr.S.V.Vasanthakumar
For Respondents : Mr.P.Muthukumarasamy, for R-1

: R2 Given up.

J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the Tamil Nadu State Transport Corporation Limited, challenging the quantum of compensation awarded by the Claims Tribunal.

2. The claimant, Muthunaicker, aged about 60, an Agricultural Coolie, earned a sum of Rs.3,000/- per month met with an accident, while travelling in a Tamil Nadu State Transport Corporation bus, belonging to the appellant driven by the 2nd respondent herein. It is stated by the claimant that he suffered grievous injuries all over the body due to the said

accident. The Tribunal based on the materials available on record has rendered a finding that the claimant has suffered 35% disability and fixed the negligence on the part of the appellant's driver who drove the Corporation bus in a rash and negligent manner and ultimately awarded a compensation of Rs.77,307/- to the claimant.

3. As against the law and probabilities of the case, the Tribunal has considered the aspect that on whose negligence the accident had happened and to what extent the claimant is entitled for compensation. While answering those issues, the Tribunal has taken into consideration the First Information Report, Motor Vehicle Inspector's Report and the Disability Certificate issued by the Doctor, which are all the documents marked before the Tribunal. Moreover, there is no contra evidence filed by the appellant Transport Corporation, before the Tribunal. Further, the Tribunal has elaborately discussed about the injuries sustained by the claimant due to the accident and taken the disability at 35%, though the Doctor has assessed more than that. In such view of the matter, this Court cannot ponder over of those issues once again sitting in the appellate stage.

4. Hence, this Court is of the considered opinion that the compensation awarded by the Tribunal is just, fair and reasonable, weight of evidence and based on settled principles. Therefore, there is no ground to interfere with the judgment passed by the Tribunal below.

5. In the result, this Civil Miscellaneous Appeal is dismissed. No costs. The appellant / Transport Corporation shall deposit the entire compensation amount, along with interests and costs, as awarded by the Claims Tribunal, 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 is directed to transfer the deposited amount to the Savings Bank Account of the claimant / injured / first respondent herein, forthwith, through RTGS. Consequently, the connected MP is closed.

Sd/-/-

Assistant Registrar

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Sub Assistant Registrar

srk / vrn

To

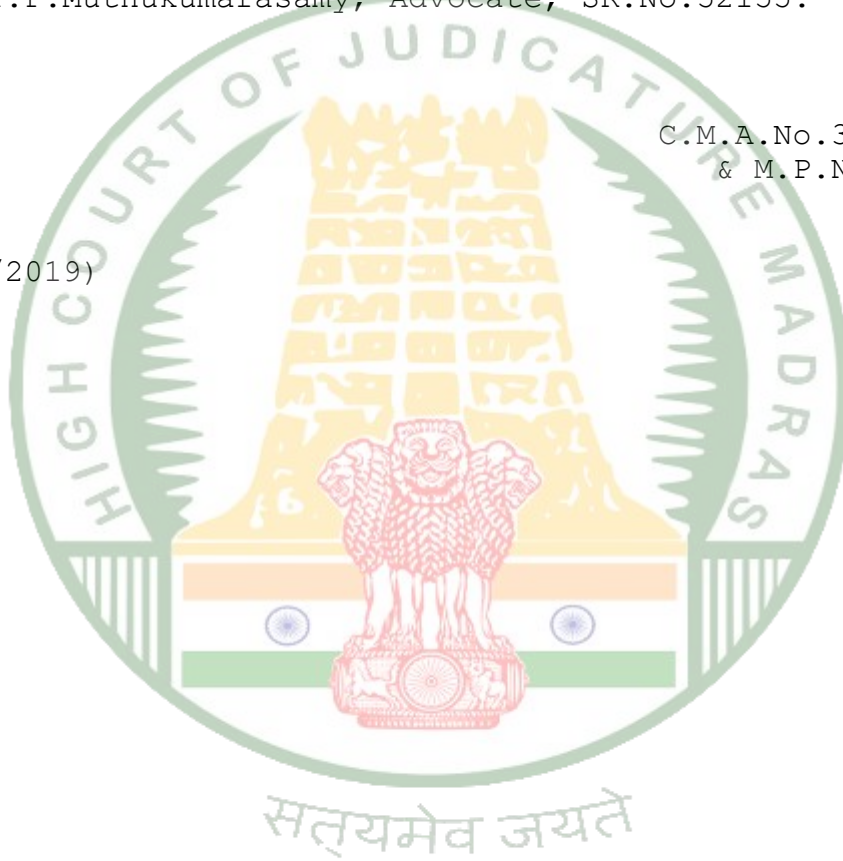
1. The Motor Accident Claims Tribunal/ Additional District Judge,
(Fast Track Court No.IV), Bhavani
Erode.

2. The Section Officer
V.R.Section
Madras High Court
Chennai 104.

+1cc to Mr.P.Muthukumarasamy, Advocate, SR.No.52155.

C.M.A.No.3645 of 2008
& M.P.No.1 of 2008

KJI (CO)
CSR(03/01/2019)



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