

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.1028 of 2015
and M.P.No.1 of 2015

The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
No.3/137, Salamedu,
Vazhuthareddy,
Villupuram 605 602.

.. Appellant / Respondent

Vs.

Saravanan

.. Respondent/ Appellant

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the award dated 29.01.2014, made in M.C.O.P.No.4366 of 2009, on the file of the Motor Accident Claims Tribunal, (Special Sub Court No.II) Chennai.

For Appellant : Mr.K.J.Sivakumar

J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the appellant-Transport Corporation, challenging the award dated 29.01.2014, made in M.C.O.P.No.4366 of 2009, on the file of the Motor Accident Claims Tribunal, (Special Sub Court No.II) Chennai.

2.Heard the learned counsel appearing for the appellant and perused the materials available on record.

3.The appellant-Transport Corporation is the respondent in M.C.O.P.No.4366 of 2009, on the file of the Motor Accident Claims Tribunal, (Special Sub Court No.II) Chennai. The respondent filed the said claim petition, claiming a sum of Rs.3,50,000/- as compensation for the injuries sustained by him in the accident that took place on 15.11.2008. The Tribunal, considering the pleadings, oral and documentary evidence, held

that the accident occurred due to rash and negligent driving by the driver of the bus belonging to the appellant-Transport Corporation and directed the appellant-Transport Corporation to pay a sum of Rs.2,25,000/- as compensation to the respondent. Challenging the said award dated 29.01.2014, made in M.C.O.P.No.4366 of 2009 granting compensation to the respondent, the appellant-Transport Corporation has come out with the present appeal.

4.The contention of the learned counsel appearing for the appellant-Transport Corporation that the Tribunal erred in fixing negligence on the part of the driver of the bus and liability on the appellant and in the absence of any evidence to prove the age and income of the respondents/claimants, the Tribunal erred in fixing permanent disability and awarded compensation under various heads, which are excessive, are contrary to the materials on records. The Tribunal has considered the evidence of respondent as P.W.1, who is the injured eye witness, the evidence of R.W.1- driver of the bus involved in the accident and on perusal of Ex.P1- FIR registered against the driver of the bus, held that the accident occurred only due to rash and negligent driving by the driver of the bus belonging to the appellant-Transport Corporation. The Tribunal has considered the evidence of P.W.2-Doctor, medical bills, disability certificate, X-rays and fixed 40% disability and awarded compensation under different heads, which are just compensation and not excessive. There is no reason in the award of the Tribunal, warranting interference by this Court.

5.In the result, this Civil Miscellaneous Appeal is dismissed and sum of Rs.2,25,000/- awarded by the Tribunal as compensation to the respondent/claimant, along with interest and costs is confirmed. 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 twelve weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.No.4366 of 2009. On such deposit, the respondent/claimant is permitted to withdraw the award amount, along with interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary applications before the Tribunal. Consequently, the connected Miscellaneous petition is closed. No costs.
gsa

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To
The Motor Accident Claims Tribunal,
(Special Subordinate Judge No.II)
Chennai.

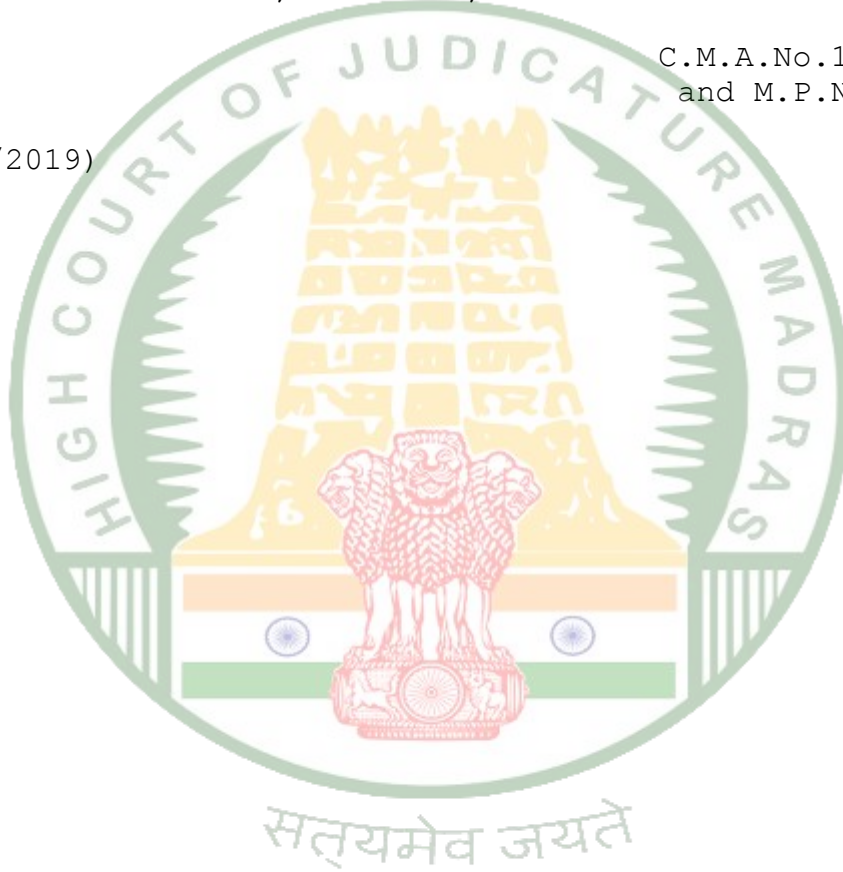
Copy to:-

The Section Officer,
V.R.Section,
High Court, Madras - 104.

+1cc to Mr.K.J.Sivakumar, Advocate, SR.No.4641

C.M.A.No.1028 of 2015
and M.P.No.1 of 2015

Kak(14/06/2019)



WEB COPY