

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2019

CORAM:

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

CMA.No.1280 of 2013

Metropolitan Transport Corporation Limited,
Represented by its Managing Director,
No.2, Pallavan Salai,
Chennai 600002

...Appellant/Respondents

vs.

Venkatesan

... Respondent/Claimant

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the fair and decreetal order dated 10.12.2010 passed in M.C.O.P.No.447 of 2007 by the learned Principal Subordinate Judge, Motor Accident Claims Tribunal, Chengalpattu.

For Appellant : Mr.S.S.Swaminathan

For Respondent : No appearance

JUDGMENT

The appellant/ the Managing Director, Metropolitan Transport Corporation has filed the present Appeal against the orders passed in MCOP.No.447 of 2007 by the learned Principal Subordinate Judge, Motor Accident Claims Tribunal, Chengalpattu. The respondent filed the above said claim petition under Section 166 of the Motor Vehicles Act, 1988, seeking compensation of Rs.2,00,000/- for the injuries sustained by him in a road accident which took place on 27.09.2006.

2. The case of the claimant is that on 27.09.2006, when he was waiting for a bus at N.S.C.Bose Road, Broadway Bus Stand, at about 13.45 hours, a speeding Metropolitan Transport Corporation bus bearing Registration No.TN 01 N 3393, Route No.21 H, hit him, as a result of which, he sustained injuries all over his body. According to the claimant, the rash and negligent driving of the driver of the Metropolitan Transport Corporation bus was the cause of the accident and therefore, they are liable to pay compensation.

3. The Appellant herein contested the claim petition before the Tribunal. The learned Principal Subordinate Judge, Motor Accident Claims Tribunal, Chengalpattu, after analysing the evidence on record, awarded a compensation of Rs.68,607/- together with interest at the rate of 7.5% per annum to the claimant. The Tribunal further held that the claimant also contributed to the accident and therefore, deducted 50% of the compensation amount payable to the claimant.

4. Mr.S.S.Swaminathan, learned counsel appearing for the appellant contended that the tribunal had awarded an exorbitant amount of Rs.68,607/- and therefore, the same should be scaled out.

5. No appearance on behalf of the respondent.

6. In the instant case, the claimant sustained degloving injury on his popliteal region and the wound was sutured. Dr.M.Sridharan, had assessed the partial permanent disability as 20%. The claimant was working as a Sales man in a private company. The Tribunal after considering all the aspects of the case, awarded a sum of Rs.68, 607/- to the claimants and by no stretch of imagination, the award passed by the tribunal can be said to be on the higher side and therefore, I do not see any reason to interfere with the findings recorded by the Tribunal.

7. In the result,

(i) The Civil Miscellaneous Appeal is dismissed. No costs.

(ii) The orders passed by the Tribunal is upheld.

(iii) The appellant / Metropolitan Transport Corporation Limited is directed to deposit the compensation awarded by the Tribunal i.e., Rs.68,607/- together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of MCOP.No.447 of 2007 on the file of the learned Principal Subordinate Judge, Motor Accident Claims Tribunal, Chengalpattu, within a period of four weeks from the date of receipt of a copy of this order.

(iv) On such deposit being made, the respondent / claimant is at liberty to withdraw the same as per the orders passed by the Tribunal after following due process of law.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rka

To

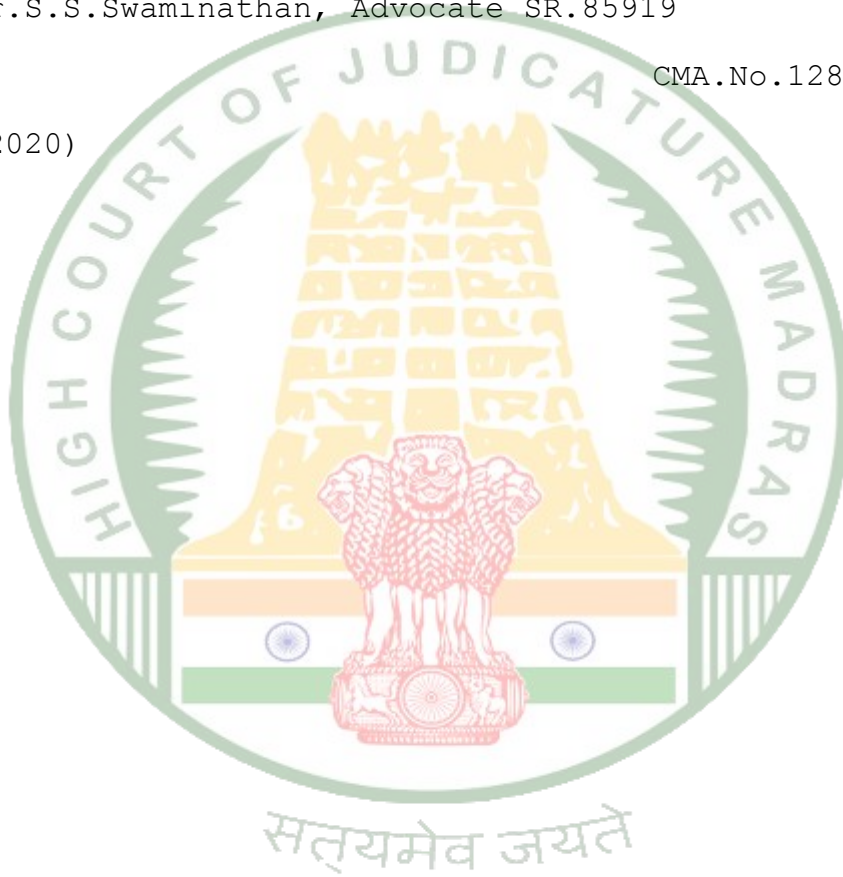
1.The Principal Subordinate Judge,
Motor Accident Claims Tribunal,
Chengalpattu.

2.The Section Officer,
VR Section, High Court, Madras.

+lcc to Mr.S.S.Swaminathan, Advocate SR.85919

CMA.No.1280 of 2013

VBA (CO)
CB(14/02/2020)



WEB COPY