

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.2774 of 2009

and

M.P.No.1 of 2009

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Kanchipuram,
Villupuram Div.III. ... Appellant/ Respondent

M.Kalyani ... Respondent/ Petitioner

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 30.11.2007 made in M.C.O.P.No.1366 of 2003 on the file of the Motor Accident Claims Tribunal, Additional District Judge, Fast Track Court No.2, Chennai.

For Appellant : Mr.S.Vasantha Kumar
For Respondent : Mr.P.Subramanian for Caveator

J U D G M E N T

This Civil Miscellaneous Appeal has been filed against the award dated 30.11.2007 made in M.C.O.P.No.1366 of 2003 on the file of the Motor Accident Claims Tribunal, Additional District Judge, Fast Track Court No.2, Chennai.

2.The facts of the case are that on 14.09.2002 at about 03.00hours, the respondent was travelling as a passenger in the bus bearing Reg.No.TN-21-N-0672 from Trichy to Chennai. When the bus was nearing Arasur Sub Station, due to the rash and negligent driving of its driver, it hit against a lorry. Due to the impact, the respondent sustained grievous injuries. The respondent filed a claim petition, claiming a sum of Rs.3,00,000/- as compensation, before the Tribunal. Considering the materials and evidence available on record, the Tribunal held that the accident had occurred due to the rash and negligent driving of the driver of the bus belonging to the appellant-Transport Corporation and directed the appellant-Transport Corporation to pay a sum of Rs.1,25,000/- as compensation to the respondent/claimant.

3.Challenging the aforesaid award, the appellant-Transport Corporation has come out with the present appeal.

4.The learned counsel appearing for the appellant-Transport Corporation has submitted that the Tribunal has erred in holding that the driver of the appellant's bus was rash and negligent and was responsible for the accident. He also submitted that the compensation awarded by the Tribunal is exorbitant and excessive.

5.The learned counsel for the respondent claimant has submitted that the Tribunal has considered the oral and documentary evidence in proper perspective and has granted the compensation and hence the same does not require any interference.

6.Heard the learned counsel on either side and perused the materials available on record carefully and meticulously.

7.The respondent / claimant herein has been examined as P.W.2 before the Tribunal. She deposed before the Tribunal that the appellant's bus driver was rash and negligent in driving the bus and due to the same, the bus hit against a lorry. But the said deposition was opposed on behalf of the Transport Corporation. Since the deposition of P.W.2 was clear and cogent, 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.With regard to the quantum of compensation, the Tribunal has awarded a sum of Rs.1,00,000/- towards 45% disability relying upon Ex.P10-Disability Certificate issued by P.W.4-Doctor. The Tribunal has also awarded a sum of Rs.10,000/- towards medical expenses, Rs.2,000/- each towards transportation expenses and Extra nourishment, Rs.1,000/- towards damage to clothes / articles and Rs.10,000/- towards pain and suffering. The Tribunal has properly analysed the materials and evidence available on record and has awarded reasonable compensation towards the above heads and hence the same need not be interfered with by this Court.

9.In the result, this Civil Miscellaneous Appeal is dismissed. No costs. The appellant-Transport Corporation is directed to deposit the award amount along with interest and costs, as ordered by the Tribunal, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit being made, the respondent is permitted to withdraw the same, on making

proper application before the Tribunal. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

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Sub Assistant Registrar

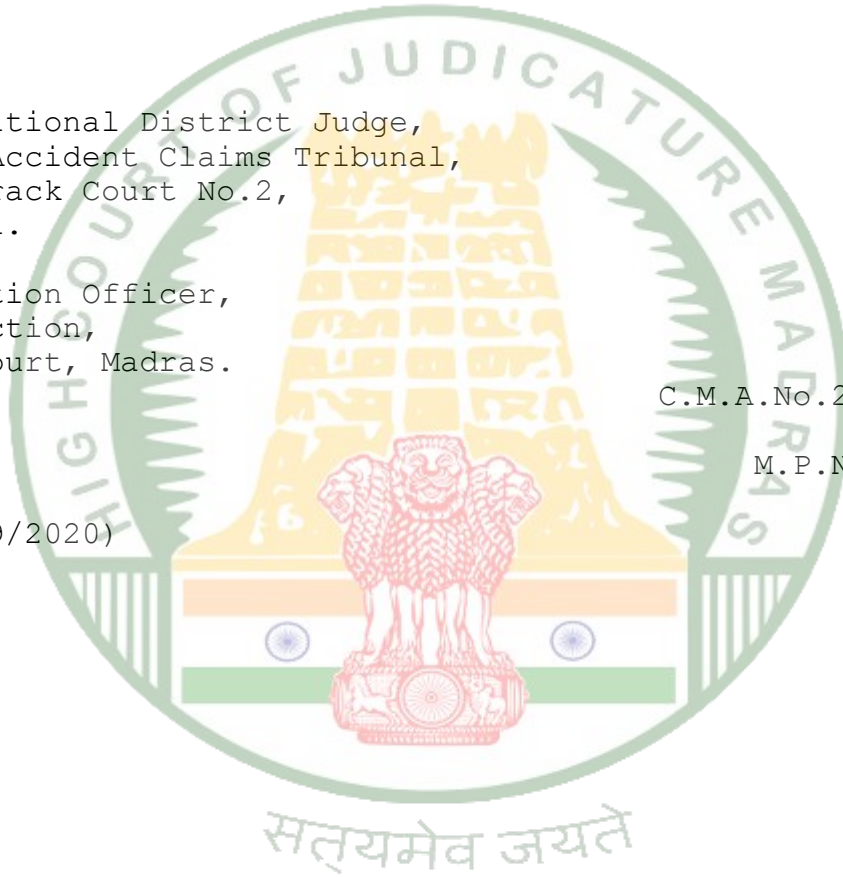
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To

1.The Additional District Judge,
Motor Accident Claims Tribunal,
Fast Track Court No.2,
Chennai.

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

C.M.A.No.2774 of 2009
and
M.P.No.1 of 2009

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