



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.2143 and 2157 of 2015

The Managing Director,
State Express Transport Corporation Ltd.,
Thiruvalluvar House,
Pallavan Salai,
Chennai.

.. Appellants in both C.M.As

Vs.

K.Ramasamy
V.Marappan

.. Respondent in CMA.No.2143/2015
.. Respondent in CMA.No.2157/2015

Common Prayer: These Civil Miscellaneous Appeals are filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 06.04.2015 made in M.C.O.P.Nos.2095 & 2094 of 2013, on the file of the Motor Accidents Claims Tribunal (Special Sub Court), Krishnagiri.

For Appellant : Mr.K.J.Sivakumar

COMMON JUDGMENT

These Civil Miscellaneous Appeals have been filed against the common award dated 06.04.2015 made in M.C.O.P.Nos.2095 & 2094 of 2013, on the file of the Motor Accidents Claims Tribunal (Special Sub Court), Krishnagiri.

2.Both the appeals are arising out of the same accident and common award. Hence, they are disposed of by this common judgment.

3.Heard the learned counsel appearing for the appellant-Transport Corporation and perused the materials available on record.

4.The appellant-Transport Corporation is the respondent in M.C.O.P.Nos.2095 & 2094 of 2013, on the file of the Motor Accidents Claims Tribunal (Special Sub Court), Krishnagiri. The respondents filed the said claim petitions, claiming a sum of Rs.3,00,000/- each as compensation for the injuries sustained by them in the accident that took place on 22.06.2010. The Tribunal, considering the pleadings, oral and documentary evidence, held that there is no fault on the part of the driver



of the bus and the accident took place due to carelessness of the respondents and directed the appellant-Transport Corporation to pay a sum of Rs.1,65,000/- and Rs.60,000/- as compensation to the respondents/claimants respectively. Challenging the said common award dated 06.04.2015 made in M.C.O.P.Nos.2095 & 2094 of 2013, the appellant-Transport Corporation has come out with these appeals.

5.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, 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 in both the appeals as P.W.2 and P.W.1 respectively, who are the injured eye witness, who deposed the manner in which the accident occurred and on a perusal of Ex.P1- FIR registered against the driver of the bus, held that the accident occurred only due to the carelessness of the respondents. The Tribunal has considered the evidence of P.W.3 & P.W.4-Doctors, Accident Register, disability certificates, X-rays and fixed 30% permanent disability on both the respondents and awarded compensation under different heads, which are just compensation and are not excessive. There is no reason warranting interference by this Court.

6.In view of the same, both the appeals are dismissed and sum of Rs.1,65,000/- and Rs.60,000/- awarded by the Tribunal as compensation to the respondents/claimants respectively, along with interest and costs are 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 six weeks from the date of receipt of a copy of this judgment to the credit of M.C.O.P.Nos.2095 & 2094 of 2013 respectively. On such deposit, the respondents/claimants are 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. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar



To

The Motor Accidents Claims Tribunal
(Special Sub Court), Krishnagiri.

Copy To: The Section Officer, V.R.Section,
High Court of Madras

+2cc to Mr.Sivakumar, Advocate SR.Nos.4639 and 4642

AKM/30.09.19/3P-5C /

C.M.A.No.2143 and 2157 of 2015