

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

C.R.P.(NPD)No.1030 of 2006
and
M.P.No.1 of 2006

The Secretary,
Shri Nehru Maha Vidyalaya,
Matriculation High School, No.26, Raburston Road,
Coimbatore-641 002.

... Petitioner / 2nd Respondent

Vs.

1. Duraisamy ...1st Respondent / Petitioner

2. Periasamy

3. New India Assurance Co. Ltd.,
No.435, D.B.Road, R.S.Puram,
Coimbatore-641 002.

...2 and 3 Respondents/

1 and 3 Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 18.07.2005 made in M.C.O.P.No.315 of 2003, on the file of the Motor Accident Claims Tribunal Cum Additional District Court (FTC No.V), Coimbatore. सत्यमेव जयते

For Petitioner : Mr.S.Mukunth

For R1 : Unclaimed

For R2 & R3 : No appearance

O R D E R

This Civil Revision Petition has been filed challenging the award passed by the Motor Accident Claims Tribunal for awarding a sum of Rs.5,000/- for the injuries sustained by one of the passenger in the bus.

2. The brief facts of the pleading to filing this revision is as follows:

On 12.11.2001, one Duraisamy was travelling in a bus bearing Registration No.TDX 7686, along with other passengers. At about 11.30 P.m., the driver of the bus drove the vehicle in a rash and negligent manner, and caused an accident, which has resulted in the said Duraisamy sustaining injuries. The driver is named in the charge sheet and thereafter, the said Duraisamy has filed an application for compensation.

3. It is the defence of the revision petitioner before the tribunal that since there was a strike by the Tamil Nadu Government Transport Corporation Staff, the R.T.O. had directed all the private bus including that of the revision petitioner to drop the passengers and only on the direction of the R.T.O, the bus was operated free of cost. The trial Court, the Motor Accident Claims Tribunal considering the evidence, awarded the compensation of a sum of Rs.5,000/- with interest of 9% per month as against which, the present revision has been filed.

3. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

4. It is the contention of the revision petitioner is that the bus was operated only on the instructions of the Government authorities at the relevant point of time. Such contention was negatived in the trial Court on the ground that no evidence was adduced on that aspect and the tribunal also rejected the contention of the revision petitioner that the operated the bus of free of cost. In fact, R.W.1 examined on the side of the revision petitioner himself admitted that at the relevant time of accident, infact, the injured had a ticket. Concluding the nature of injury was a minor injury, and the accident was due to rash and negligent driving of the driver of the revision petitioner, the tribunal awarded a minimum compensation of a sum of Rs.5,000/-.

5. On a perusal of the entire aspect, this Court does not find any infirmity or illegality in the order passed by the trial Court. Hence, the revision lacks merits and is liable to be dismissed and the revision petitioner is directed to deposit the amount with interest within a period of two weeks from the date of receipt of copy of this order.

6. With the above direction, the Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

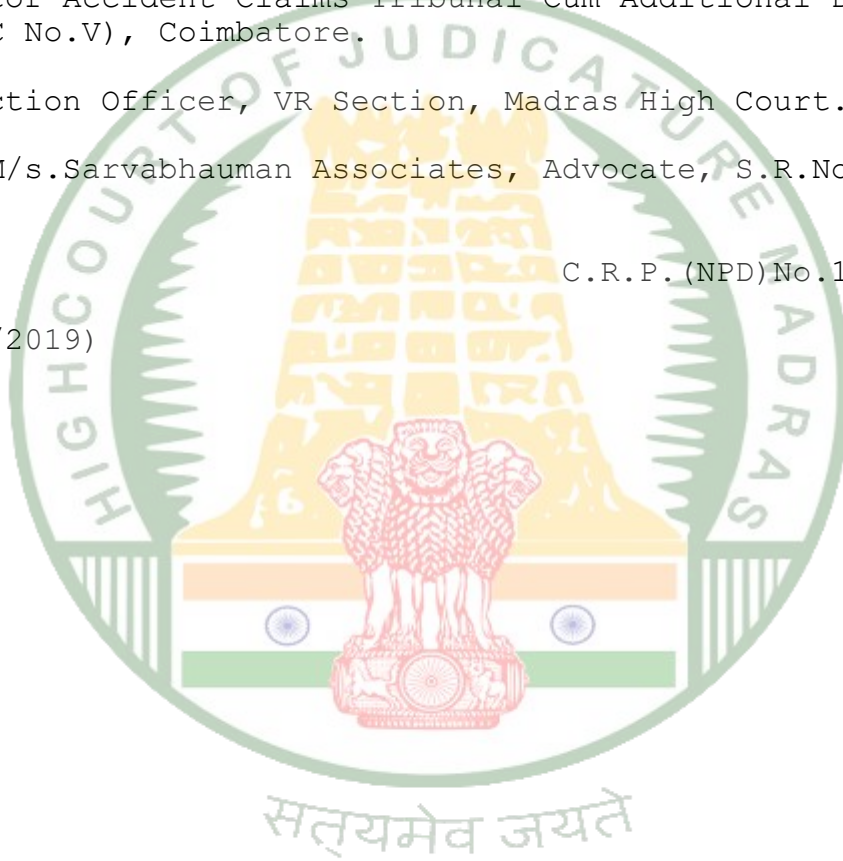
1. The Motor Accident Claims Tribunal Cum Additional District Court (FTC No.V), Coimbatore.

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

+1 cc to M/s.Sarvabhauman Associates, Advocate, S.R.No.10423

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CA(CO)
SSM(17/06/2019)



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