

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2019

CORAM:

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

CMA.No.2685 of 2012

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Kumbakonam.

...Appellant/Respondent
.Vs.

E.A.John Washington ...Respondent/Petitioner

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the decree and judgment dated 27.10.2009 in M.C.O.P.No.1487 of 2007 on the file of the Motor Accidents Claims Tribunal, III Court of Small Causes, Chennai.

Appellant : Mr.S.V.Vasantha Kumar

Respondent : No appearance

JUDGMENT

The appellant, the Managing Director, Tamil Nadu State Transport Corporation Limited is the respondent in M.C.O.P.No.1487 of 2007 on the file of the Motor Accidents Claims Tribunal, III Judge, Court of Small Causes, Chennai. The respondent / claimant filed the claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation of Rs.3,50,000/- for the injuries sustained by him in a road accident on 27.03.2007.

2. The case of the claimant is that on 27.03.2007, he was riding his motorcycle bearing Registration No. TN 45 AB 1734 along G.S.T. Road and at about 07.00 hours, when he was turning towards Kathipara Junction near Nehru Statue, a speeding bus bearing Registration No. TN 63 N 1057 hit him, as a result whereof, he sustained injuries all over his body.

3. According to the claimant, the rash and negligent driving of the driver bus bearing Registration No. TN 63 N 1057 belonging to the appellant / Tamil Nadu State Transport Corporation Limited was the cause of the accident and therefore, they are liable to pay compensation.

4. The appellant / Tamil Nadu State Transport Corporation Limited contested the claim petition. The learned III Judge / Motor Accident Claims Tribunal, Small Causes Court, Chennai after analysing the evidence on record, awarded a compensation of Rs.3,01,000/- together with interest at the rate of 9.5% per annum to the claimant. Aggrieved over the orders passed by the Tribunal, the appellant / Tamil Nadu State Transport Corporation Limited has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. Heard Mr.S.V.Vasanth Kumar, learned counsel appearing for the appellant. No appearance on behalf of the respondent.

6. Dr.J.R.R.Thiagarajan (P.W.2) had assessed the partial permanent disability as 55%. The claimant sustained degloving injury in his right elbow and lacerated wound in scalp. The Tribunal has awarded a sum of Rs.3,01,000/- considering the gravity of the injuries and the period of treatment by the claimant and by no stretch of imagination, the award passed by the Tribunal can be said to be on the higher side. Therefore, the present appeal is liable to be dismissed.

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 / Tamil Nadu State Transport Corporation Limited is directed to deposit the compensation awarded by the Tribunal i.e., Rs.3,01,000/- (less the amount already deposited) 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 M.C.O.P.No.1487 of 2007 on the file of the Motor Accidents Claims Tribunal, III Court of Small Causes, Chennai 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 after following due process of law.

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Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

mtl

To

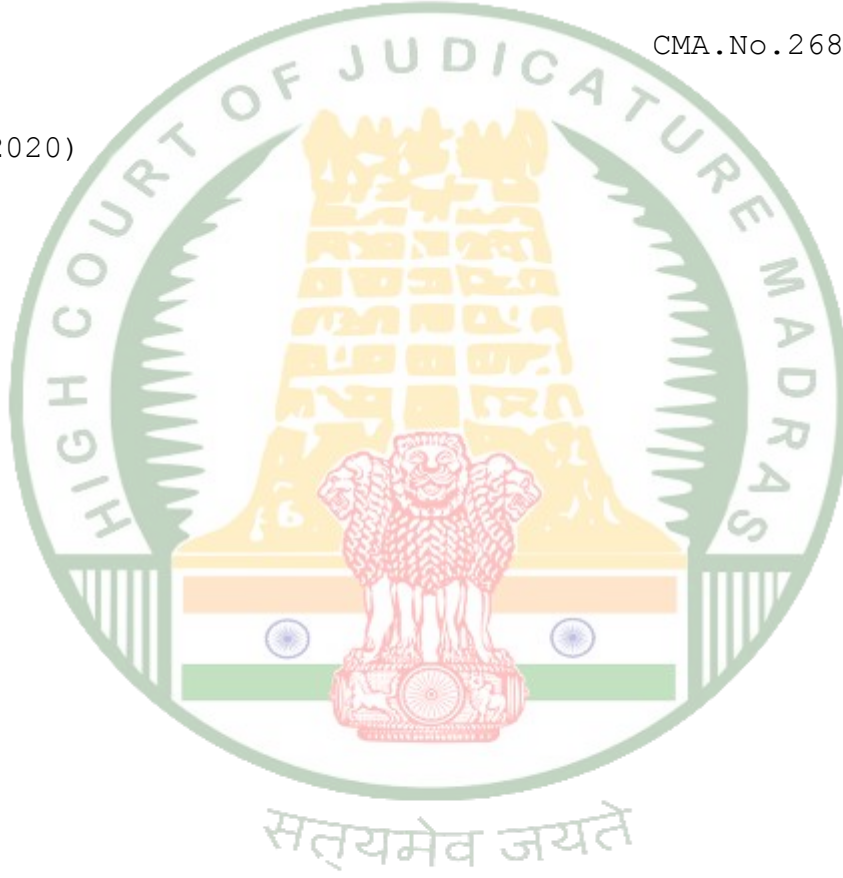
The Motor Accidents Claims Tribunal,
The III Judge,
Small Causes Court,
Chennai.

Copy To

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

CMA.No.2685 of 2012

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