

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:25.04.2019

CORAM:

THE HONOURABLE Mr.JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.3707 of 2012

and

MP.No.1 of 2012

The Managing Director,
Tamil Nadu State Transport Corporation,
Salem Div.II, Ltd., Bharathipuram,
Dharmapuri. ... Appellant/Respondent

Versus

P.Raja Sekaran
Respondent/Petitioner

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgement and decree dated 30.11.2011 made in MACT.O.P.No.664 of 2006 on the file of the Motor Vehicle Claims Tribunal, II- Additional Subordinate Judge, Salem.

For Appellant : No Appearance

For Respondent : Mr.P.Jagadeesan

JUDGMENT

There is no representation for the appellant. The present appeal is filed by the Transport Corporation questioning only the quantum of compensation awarded by the Tribunal.

2.The learned counsel appearing for the respondent/claimant submitted that based upon the evidence of PW.1 coupled with Ex.P1/FIR, the Tribunal has held that the accident had taken place due to rash and negligence of the driving of the driver of the Transport Corporation Bus and in the absence of any contra evidence the same is hereby confirmed.

3.It appears from the records that on behalf of the claimant, PW.2/Dr.S.Rajamanickam was examined. Based upon Ex.P2/wound certificate, Ex.P3 & P4/Discharge summaries, PW2/Doctor has issued disability certificate under Ex.P8, fixing the disability at 40% and accordingly Rs.40,000/- was arrived at

Rs.1,000/- per percentage of disability by the Tribunal.

4.After going through the evidence under Ex.P3 & P4/discharge summaries, it is seen that the injured claimant has taken treatment as in-patient for 26 days under 2 spells. Considering the period of hospitalization, the Tribunal awarded compensation of Rs.2,48,453/- under various heads. It appears to be fair and just reasonable and this Court does not interfere with the same. Hence, the appeal is liable to be dismissed.

5.It is represented by the learned counsel for the respondent that in the absence of interim stay, the Transport Corporation has already deposited the entire compensation amount, the same is recorded. Accordingly, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

klt
To

- 1.The II- Additional Subordinate Judge,
Motor Vehicle Claims Tribunal, Salem.
 2. The Section Officer,
V.R. Section, High Court, Madras - 104.
- +1 CC to Mr.P.Jagadeesan, Advocate sr 40252.

सत्यमेव जयते

CMA No.3707 of 2012
and
Mp.No.1 of 2012

SJ(CO)
SP(23/09/2019)

WEB COPY