

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2019

CORAM:

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

CMA.No.3568 of 2013

and

M.P.No.1 of 2013

The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram-III) Limited,
Kanchipuram Region,
Kanchipuram. Appellant /Respondent

vs.

N.C.Jayapal Respondent/Petitioner

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Decree and Judgment dated 23.04.2013 made in MCOP.No.254 of 2011 on the file of the Motor Accident Claims Tribunal / III Court of Small Causes, Chennai.

For Appellant : Mr.K.J.Sivakumar

For Respondent : Mr.K.Varadha Kamaraj

J U D G M E N T

The appellant / Tamil Nadu State Transport Corporation, is the respondent in MCOP.No.254 of 2011 on the file of the Motor Accident Claims Tribunal / III Court of Small Causes, Chennai. The respondent filed the claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation of Rs.50,000/- for the injuries sustained by him in a road accident on 11.12.2010.

2. The case of the claimant in nutshell is as follows:
On 11.12.2010, at about 19.45 hours, when the claimant was riding his motorcycle bearing Registration No.TN-05-L-

2383 with his wife as pillion rider along Koyambedu 100 Feet Road, Chennai, a speeding bus bearing Registration No.TN-21-N-0593 hit them, as a result of which, they were thrown out and the wheel of the bus ran over the pillion rider and she died on the spot. According to the claimant, the accident took place due to the rash and negligent driving of the driver of the Tamil Nadu State Transport Corporation Bus bearing Registration No.TN-21-N-0593, belonging to the respondent and therefore, they are liable to pay compensation.

3. It is seen from the records that the learned Additional District Judge / Motor Accident Claims Tribunal, III Court of Small Causes, Chennai, awarded compensation of Rs.32,000/- together with interest at the rate of 7.5% per annum to the claimant. Aggrieved over the said orders passed by the Tribunal, the appellant has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

4. Heard Mr.K.J.Sivakumar, learned counsel appearing for the appellant/Transport Corporation and Mr.K.Varadha Kamaraj, learned counsel appearing for the respondent/claimant.

5. A perusal of the records shows that the claimant suffered abrasions over right knee and right elbow. Dr.Saravana Bhavanantham (PW2) had assessed the partial permanent disability as 15%. The Tribunal after considering all the aspects of the case, had awarded a just compensation of Rs.32,000/- together with interest at the rate of 7.5% per annum. By no stretch of imagination, the award passed by the Tribunal can be said to be exorbitant and in the facts and circumstances of the present case, the appeal fails and is dismissed.

6. In the result,

(i) The Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(ii) The orders passed by the Tribunal is upheld.

(iii) The appellant / Transport Corporation, is directed to deposit the entire compensation amount awarded by the Tribunal i.e., Rs.32,000/-(less the amount already deposited if any) 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 MCOP.No.254 of 2011 on the file of the Motor Accident Claims Tribunal / III Court of Small Causes, Chennai, within a period of four weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the respondent / claimant is at liberty to withdraw the same, as per the orders passed by the Tribunal after following due process of law.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

ssn

To

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

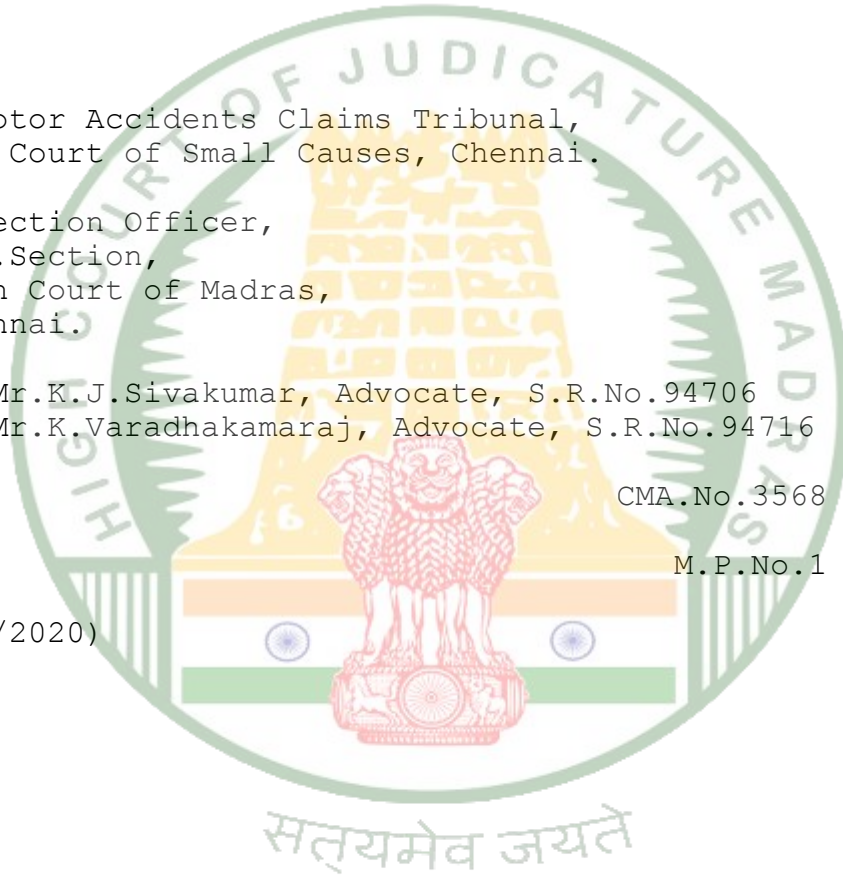
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.

+1cc to Mr.K.J.Sivakumar, Advocate, S.R.No.94706

+1cc to Mr.K.Varadhakamaraj, Advocate, S.R.No.94716

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RSV (CO)
CB(14/08/2020)



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