

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2019

CORAM:

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

CMA.No.1327 of 2014
and
MP.No.1 of 2014

The Managing Director,
Tamil Nadu State Transport Corp. Ltd.,
Division II, Sathuvachari,
Vellore.

...Appellant/Respondent

vs.

Murugesan

... Respondent/Petitioner

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the decree and Judgment dated 28.10.2013 passed in MCOP.No.1242 of 2013 on the file of the Motor Accident Claims Tribunal / Special Subordinate Judge, Tirupattur.

For Appellant : Mr.S.Sairaman

For Respondent : No appearance

J U D G M E N T

The Managing Director, Tamil Nadu State Transport Corporation has filed the present appeal against the orders dated 28.10.2013 passed in MCOP.No.1242 of 2013 by the Special Subordinate Judge / Motor Accident Claims Tribunal, Tirupattur.

2. The respondent / claimant filed the claim petition under Section 166 (1) of the Motor Vehicles Act, 1988 seeking compensation of Rs.10,00,000/- for the injuries sustained by him in a road accident on 19.02.2011.

3. The case of the respondent / claimant in nutshell is as follows:

On 19.02.2011, the respondent / claimant was a conductor in a bus bearing Registration No. TN 32 N 2881 belonging to the appellant / Tamil Nadu State Transport Corporation and at about

08.45 pm, when the respondent / claimant attempted to alight the bus at Chandrapuram Bus Stand, the driver of the bus started moving the bus rashly and negligently, as a result of which, the respondent / claimant was thrown out of the bus and sustained injuries all over his body.

4. According to the claimant, the rash and negligent driving of the driver of the bus belonging to the appellant / Tamil Nadu State Transport Corporation Limited was the cause of the accident and therefore, they are liable to pay compensation.

5. The Tamil Nadu State Transport Corporation contested the claim petition and the learned Special Subordinate Judge / Motor Accident Claims Tribunal, Tirupattur after analysing the evidence on record, awarded a compensation of Rs.3,85,900/- together with interest at the rate of 7.5% per annum to the claimant. Aggrieved over the orders passed by the Tribunal, the Managing Director, Tamil Nadu State Transport Corporation has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

6. Heard Mr.S.Sairaman, learned counsel appearing for the appellant / Tamil Nadu State Transport Corporation. No appearance on behalf of the respondent / claimant.

7. A perusal of the discharge summary (Ex.P3) shows that the respondent / claimant sustained a crush injury on his left leg and Dr.Elangovan (PW2) has assessed the partial permanent disability as 45%. It is pertinent to point out that the claimant was a conductor and was aged 29 years on the date of the accident. The Tribunal after considering all the aspects of the case has awarded a just compensation of Rs.3,85,900/- 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 on the higher side and in the facts and circumstances of the present case, the appeal fails and is dismissed.

8. In the result,

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

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

(iii) The appellant / Tamil Nadu State Transport Corporation is directed to deposit the compensation awarded by the Tribunal i.e., Rs.3,85,900/- (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 MCOP.No.1242 of 2013 on the file of the Motor Accident Claims

Tribunal / Special Subordinate Judge, Tirupattur 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 the due process of law.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

The Motor Accidents Claims Tribunal,
The Special Subordinate Judge,
Tirupattur.

Copy to

The Section Officer,
VR Section,
High Court of Madras,
Chennai.

+1cc to Mr.S.Sairaman, Advocate Sr.95283

CMA.No.1327 of 2014
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srg 13/07/2020
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