

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2019

CORAM:

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

CMA.No.1815 of 2014 and MP No.1 of 2014

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Villupuram Division II, Rangapuram,
Vellore - 9

...Appellant / Respondent

vs.

V.Srinivasan

...Respondent/Petitioner

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgement and Decree passed by the Motor Accident Claims Tribunal, Additional District & Sessions Judge, Fast Track Court II, Ranipet, made in MCOP No.285 of 2006 dated 05.04.2013.

For Appellant : Mr.K.J.Sivakumar

For Respondent : No appearance

JUDGMENT

The appellant/ the Managing Director, Tamil Nadu State Transport Corporation has filed the present Appeal against the orders passed in MCOP.No.285 of 2006 by the learned Motor Accident Claims Tribunal, Additional District & Sessions Judge, Fast Track Court II, Ranipet. The respondent filed the above said claim petition under Section 166 of the Motor Vehicles Act, 1988, seeking compensation of Rs.2,50,000/-, for the injuries sustained by him in a road accident which took place on 05.11.2003.

2. The case of the claimant is that on 05.11.2003, when he was riding his two wheeler from Tiruthani to Arakkonam, a speeding Transport Corporation bus bearing Registration No.TN 23 1087, belonging to the Appellant, hit him, as a result of which, he fell down and sustained injuries all over his body. According to the claimant, the rash and negligent driving of the driver of the Tamil Nadu State Transport Corporation bus was the cause of the accident and therefore, they are liable to pay

compensation.

3. The learned Additional District and Sessions Judge, Fast Track Court II, Ranipet, after analysing the evidence on record, awarded a compensation of Rs.1,12,000/- together with interest at the rate of 7.5% per annum to the claimant. The Tribunal further held that the claimant also contributed to the accident and therefore, fixed 20% contributory negligence on his part and directed the Appellant to pay 80% of the award amount. Aggrieved over the award passed by the Tribunal, the Tamil Nadu State Transport Corporation has filed the present appeal.

4. Mr.K.J.Sivakumar, learned counsel appearing for the appellant contended that the tribunal had awarded an exorbitant amount of Rs.1,12,000/- and therefore, the same should be scaled down.

5. No appearance on behalf of the respondent.

6. In the instant case, the learned Additional District and Sessions Judge, Fast Track Court II, Ranipet based on evidence on record, fixed the contributory negligence on the part of the claimant at 20%. In fact the tribunal has given a cogent reason for concluding the same. The Tribunal had also awarded just compensation of Rs.1,12,000/- to the claimants and by no stretch of imagination, the award passed by the tribunal can be said to be on the higher side and therefore, I do not see any reason to interfere with the findings recorded by the Tribunal.

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 / State Transport Corporation Limited is directed to deposit the compensation awarded by the Tribunal i.e., Rs.1,12,000/- 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.285 of 2006 on the file of the learned Additional District & Sessions Judge, Fast Track Court II, Ranipet, 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 as per the orders passed by the Tribunal after following due process of law.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

rka

To

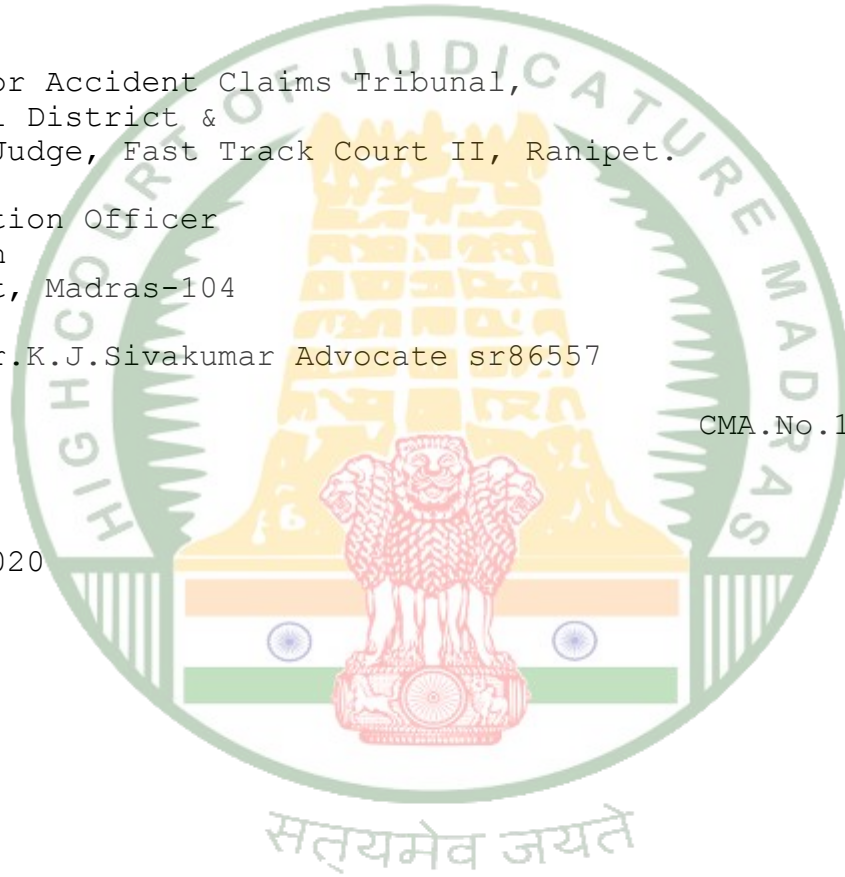
1.The Motor Accident Claims Tribunal,
Additional District &
Sessions Judge, Fast Track Court II, Ranipet.

2.The Section Officer
VR Section
High Court, Madras-104

+lcc to Mr.K.J.Sivakumar Advocate sr86557

CMA.No.1815 of 2014

aa10/02/2020



WEB COPY