

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2020

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.1932 of 2013 and M.P.No.1 of 2013

(Through Video Conferencing)

The Managing Director,
Tamil Nadu Transport Corporation Ltd.,
T.V.Malai. ..Appellant/Respondent

.vs.

K.Vasu ... Respondent/Petitioner/Claimant

Prayer.: This Civil Miscellaneous Appeal has been filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree dated 21.08.2012 made in M.C.O.P.No.349 of 2008 on the file of the Motor Accident Claims Tribunal (Sub Court) Arani.

For Appellant : Mr. C.S.K.Sathish
For Respondent : Mr.P.Satheesh Kumar

J U D G M E N T

The State Transport Corporation is the appellant in this appeal. It is aggrieved by the impugned judgment and decree dated 21.08.2012 passed by the Motor Accident Claims Tribunal, (Sub Court) Arani in M.C.O.P. No.349 of 2008 (hereinafter referred to as the Tribunal)

2. By the impugned judgment and decree, the Tribunal has awarded a total sum of Rs.82,120/- as compensation together with interest at 7.5% p.a from the date of claim petition till the date of deposit, to the respondent/claimant.

3. The respondent was the claimant before the Tribunal. He met with an accident which took place on 30.09.2009 at about 9.45 a.m. The respondent was travelling in a bus bearing Reg.No.TN-23-N-1516 belonging to the appellant-State Transport Corporation. It was stated that the driver of the said bus tried to overtake the another bus when a Tipper lorry bearing Reg.No.TN-25-X-1397 came from opposite direction, as a result of which, there was a collision between the said bus and the tipper lorry, as a result of which, the respondent sustained grievous injuries.

4. The Tribunal after considering the pleadings, oral and documentary evidence, held that the accident was due to rash and negligent driving of the bus by the driver of the appellant-State Transport Corporation. It therefore directed the appellant-State Transport Corporation to pay a sum of Rs.82,120/- as compensation to the respondent-claimant.

5. Aggrieved by the impugned order, the Appellant-State Transport Corporation has filed the present appeal.

6. The learned counsel for the appellant-Transport Corporation submitted that the accident occurred only due to the negligence on the part of the tipper lorry. The Tribunal has failed to note that the insurance company and insurer of the tipper lorry were not impleaded in the said proceeding. He further submitted that the Tribunal erred in awarding the compensation of Rs.82,120/-. Hence he prayed for setting aside the impugned order of the Tribunal.

7. The learned counsel for the respondent-claimant submitted that the respondent-claimant was working as a electrician at the time of accident. After the accident, he was unable to his work. He submitted that the Tribunal has awarded less compensation to the respondent-claimant.

8. I have heard the learned counsel for the appellant/Transport Corporation and the learned counsel for the respondent-claimant and also perused the material evidence available on record.

9. It is seen from the records that there is no dispute regarding the accident and involvement of the vehicle and the nature of injury. As far as the present appeal is concerned, the appellant has questioned only on the quantum of compensation awarded by the Tribunal for injury suffered by the respondent-claimant. It is noticed that the respondent suffered injury on his skull bone which has resulted in partial disablement.

10. Considering the nature of injuries suffered by the respondent-claimant, I find the reasoning adopted in the impugned award by the Tribunal is well reasoned and requires no interference. I am therefore inclined to dismiss the present Civil Miscellaneous Appeal.

11. It is mentioned by the learned counsel for the appellant/State Transport Corporation that he has already deposited 50% of the award amount along with interest before the Tribunal. Same stands recorded. Therefore, the appellant- State Transport Corporation is directed to deposit 50% of the balance

award amount along with interest at the rate of 7.5% p.a. from the date of claim petition till the date of deposit and costs within a period of six weeks from the date of receipt of a copy of this judgment.

12. On such deposit, the respondent/claimant is permitted to withdraw the award amount along with proportionate interest and costs, less the amount already withdrawn if any, by filing suitable application before the Tribunal.

13. Accordingly, this civil miscellaneous appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kkd
To

1.The Motor Accidents Claims Tribunal,
(Sub Court) Arani.

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

C.M.A.No.1932 of 2013
and M.P.No.1 of 2013

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