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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2021

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.Nos.2374 of 2016 &
CMP.No.16511 of 2016

The Managing Director,
Metropolitan Transport Corporation Ltd.,
No.2, Pallavan Salai,
Chennai - 600 002.

... Appellant

..Vs..

V.Venkatakrishnan

...Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the fair and decreetal order dated 28.08.2014 passed in MCOP.No.4358 of 2011 by the learned II Judge of Small Causes Court, Motor Accident Claims Tribunal, Chennai

For Appellant : Mr.S.S.Swaminathan

For Respondent : Mr.S.T.Varadarajulu

J U D G M E N T

The Transport Corporation has challenged the award dated 28.08.2014 passed by the Motor Accident Claims Tribunal (Second Judge, Court of Small Causes) in MCOP.No.4358 of 2011 primarily on the ground that they are not responsible for the injuries caused to the respondent/claimant.

2. Heard Mr.S.S.Swaminathan, learned counsel for the Appellant and Mr.S.T.Varadharajulu, learned counsel appearing for the respondent.

3. According to the Appellant, there is negligence on the part of the respondent/claimant as he had protruded his hand outside the window of the bus and only due to his negligence, the vehicle coming from the opposite direction had dashed against his hand which resulted in the injuries sustained by him.



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4. The Appellant and the respondent entered into mediation and they have finally arrived at a compromise. Learned counsel for the Appellant as well as the learned counsel for the respondent on instructions from their respective clients would agree for the following directions:

(a) the respondent/claimant agrees that there shall be a deduction of 25% for his contributory negligence from and out of the total compensation amount of Rs.21,36,000/- fixed by the Tribunal under the impugned Award i.e., the claimant shall be entitled only to Rs.16,02,000/- instead of Rs.21,36,000/- fixed by the Tribunal.

(b) the Appellant Transport Corporation shall deposit the said sum of Rs.16,02,000/- before the Tribunal together with interest at the rate of 7.5% per annum from the date of claim till the date of deposit and costs to the credit of MCOP.No.4358 of 2011 within a period eight weeks from the date of receipt of a copy of this Order.

(c) On deposit of the said sum, the respondent/claimant is entitled to obtain payment out of the said sum together with accrued interest.

(d) On deposit of the compensation amount by the Appellant Transport Corporation, the Tribunal shall transfer the amount lying to the credit of MCOP.No.4358 of 2011 to the bank account of the respondent/claimant through RTGS within a period of one week thereafter.

5. With the aforesaid directions, this Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The II Judge,
Court of Small Causes, Chennai.



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

+1CC to Mr.S.S.Swaminathan, Advocate, Sr.No.24344

+1CC to Mr.S.T.Varadarajulu, Advocate, Sr.No.24162 (29.10.2021)

C.M.A.Nos.2374 of 2016

RP (CO)

K.RK. (01.10.2021)