



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

CIVIL MISCELLANEOUS APPEAL No.1799 of 2020

Venkatachalam

... Appellant/Petitioner

Vs.

The Managing Director,
Metropolitan Transport Corporation Ltd.,
Chennai.

.. Respondent/Respondent

Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree in M.C.O.P.No.718 of 2017, dated 07.08.2019 on the file of Motor Accidents Claims Tribunal (Principal Special Judge), Chennai.

For Appellant	:	Mr.K.Varadhakamaraj
For Respondent	:	Mr.Suresh for Mr.K.Moorthy

J U D G M E N T

Challenging the judgment and decree dated 07.08.2019 passed by the Motor Accidents Claims Tribunal (Principal Special Judge), Chennai, in M.C.O.P.No.718 of 2017, the injured Claimant has come up with this Civil Miscellaneous Appeal, seeking enhancement of compensation.

2.According to the Appellant/Claimant, on 20.08.2016, around 10.00 a.m., when he was travelling as a pillion rider in a Honda Activa in 200 feet road from South towards North at Korattur Thanthakuppam bridge, a bus belonging to the Respondent/Transport Corporation, which came in the same direction, hit against the two-wheeler, due to which, he sustained grievous injuries. He filed a Claim Petition before the Tribunal, claiming a sum of Rs.20,00,000/- as compensation for the injuries.

3.Before the Tribunal, on the side of the Claimant, P.Ws.1 and 2 were examined and Exs.P1 to P10 were marked; on the side of the Respondent/Transport Corporation, R.W.1 was examined, but, no document was marked. The Tribunal, on a



annum from the date of filing the Petition till the date of realization.

9. In the case on hand, the Appellant/Claimant was a pillion rider and he was aged 22 years at the time of accident. What is stated in the F.I.R. is completely different from what has been detailed by the Claimant. F.I.R. is not a final proof and it is only a corroborative statement, to set the criminal Law in motion. Also, F.I.R. is not a substantive piece of evidence and it cannot be kept in a higher pedestal than what is stated on oath. It can be used for corroborative purpose or contradiction. In this case, though, F.I.R. cannot be treated as a substantive evidence, certainly, it can be treated for the purpose of contradiction, moreso, when there is a contra statement made by the Claimant.

10. In view of the foregoing, this Court holds that, the Tribunal has rightly rejected the claim of the Claimant as regards fixation of disability assessed by P.W.2 - Doctor, and Medical expenses. Though F.I.R. cannot be completely relied upon, as it is evident that, the Claimant sustained injuries on account of the accident, this Court holds that, the lumpsum compensation of Rs.20,000/- awarded by the Tribunal, is just and reasonable. Hence, finding no reasons to interfere with the Award passed by the Tribunal, the same is confirmed.

11. The Respondent/Transport Corporation is directed to deposit the entire amount awarded by the Tribunal, if not already deposited, together with interest at 7.5% per annum from the date of the Claim Petition till the date of deposit, less the amount, if any, already deposited to the credit of M.C.O.P.No.718 of 2017 on the file of the Motor Accident Claims Tribunal, (Principal Special Judge), Chennai, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to transfer the Award amount directly to the Bank account of the Appellant/Claimant through RTGS, within a period of two weeks.

In fine, the Civil Miscellaneous Appeal is dismissed. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

(aeb)



To:

1. The Principal Special Judge,
Motor Accidents Claims Tribunal,
Chennai.

WEB COPY

2. The Section Officer,
V.R. Section, High Court of Madras,
Chennai 600 104.

+1cc to Mr.K.Varadha Kamaraj, Advocate SR.No.43614

+1cc to Mr.K.Moorthy, Advocate SR.No.44166

C.M.A.No.1799 of 2020

PL(CO)
GN(07/12/2021)