



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reservation	02.02.2021
Date of Judgment	27.04.2021

WEB COPY

CORAM:

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

C.M.A (MD) No.1320 of 2015

and

MP (MD) No.2 of 2015

Metropolitan Transport Corporation
represented by its Managing Director
Chennai, Having his office at
Pallavan House,
Anna Salai, Chennai.

: Appellant/Respondent

Vs.

M.Rajeswari

: Respondent/Petitioner

PRAYER: Civil Miscellaneous Appeal has been filed under Section 173 of Motor Vehicles Act against the award, dated 21.04.2014 made in MCOP No.373 of 2008 on the file of Motor Accident Claims Tribunal (Principal Sub Court), Kumbakonam.

For Appellant

: Mr.P.Prabhakaran

For Respondent

: Mr.B.Anandan

JUDGMENT

Challenge made in this appeal is to the award, dated 21.04.2014 made in MCOP No.373 of 2008 on the file of Motor Accident Claims Tribunal (Principal Sub Court), Kumbakonam.

2.The brief facts of the case is that on 27.04.2008 at 8.15 pm, when the injured claimant attempted to get down from the bus TN-01-N-4115, the driver of the bus started the bus all of a sudden and due to it, the claimant fell down from the bus to the road and the back side wheel of the bus has climbed on the right leg foot of the claimant. In that process, the claimant sustained multiple injuries all over the body and he was taken to the COSH Hospital, Tambaram for taking treatment, where she was taking treatment as inpatient till 09.06.2008. A claim petition was filed



by the injured claimant seeking compensation of Rs.6,00,000/- on the ground that the driver of the bus was responsible for the accident.

3.The claimant has stated that she was working as 'Assistant' in Kumbakonam Municipality, thereby she was getting Rs.13,000/- per month. On the other hand, the claim was opposed by the appellant Transport Corporation disputing the manner of accident and their liability to pay compensation.

4.The Tribunal, upon consideration of oral and documentary evidence, came to the conclusion that the driver of the offending vehicle was responsible for the accident and awarded compensation of Rs.4,00,000/- together with interest @ 7% p.a.

5.Heard both sides and perused the materials available on record.

6.The learned counsel appearing for the appellant Transport Corporation argued that the alleged incident was not happened due to the negligence on the part of the Transport Corporation Bus driver and the tribunal without appreciating the law and facts and evidence, had wrongly fixed the entire responsibility on the part of the driver of the appellant Transport Corporation and prays that the Civil Miscellaneous Appeal has to be allowed. On the other hand, the learned counsel for the respondent/claimant submitted that the award is reasonable, which does not warrant any interference of this court.

7.It is seen from the records that the claimant was travelling in the Bus TN-01-4115 at the time of accident and when the claimant attempted to get down from the bus, she fell down from the bus steps to the road and the bus back side wheel has climbed on the right leg foot of the claimant and she sustained injuries. It is also seen from the records that the claimant was taking treatment for the injuries sustained in the accident.

8.PW1 deposed that she sustained injuries due to the climbing of back wheel of the bus on the right leg foot of the claimant on the date of the alleged accident. PW1 during her cross examination stated that in the event of giving Rs.4,00,000/- together with interest at the rate or 7% as compensation, she has no objection to receive the same. RW1, an official of the Transport Corporation, deposed in his evidence that he has no objection for granting Rs.4,00,000/- as compensation as admitted by PW1 during her cross examination. The tribunal, on the basis of the admission made by PW1 and the admission made by RW1 in the cross examination, has awarded Rs.4,00,000/- as lump sum compensation together with interest at the rate of 7% p.a from the date of



petition till the date of realization. This court is of the considered view that the compensation awarded by the tribunal is reasonable one and it is confirmed.

9. In the result, the Civil Miscellaneous Appeal is dismissed, confirming the award of the tribunal. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Principal Sub Judge,
Motor Accidents Claims Tribunal,
Kumbakonam.
2. The Record Keeper-2 copies
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.P.PRABHAKARAN, Advocate (SR-17628[F] dated 27/04/2021)

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27.04.2021

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