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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.M.A.No.4051 of 2019

and

C.M.P.No.22888 of 2019

The Regional Manager
APSRTC,
Anantapur, Andhra Pradesh

...Appellant/Respondent

Vs

Vallavan

...Respondent/Petitioner

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the order / decree passed by the Subordinate Judge, Speical Sub-Court, to deal with MCOP Cases, Thiruvallur District, in MCOP.No.190 of 2016 dated 14.08.2018.

For Appellants : Mrs.G.V.Shoba

For Respondents : Mr.A.Palaniappan

J U D G M E N T

The respondent before the Motor Accidents Claims Tribunal, Tiruvallur in MCOP.No.190 of 2016 has filed the appeal challenging both negligence as well as quantum.

2. The claim petition has been filed by the respondent/claimant seeking compensation for the injuries sustained by him in a road accident on 10.12.2015. It is the case of the claimant that he is working as a Supervisor in a Private Company and is aged about 29 years. He would submit that he is earning a monthly income of Rs.20,000/-. On 10.12.2015 at about 6.15 p.m while he was proceeding in his motor cycle bearing Registration No.TN-18-J-5871 from Uthukottai to Periyapalayam and as he reached the Palavakkam Puncture Shop, the bus bearing Registration No.AP-29-Z-0780 driven by its driver in a rash and negligent manner in high speed has hit the petitioner causing grievous injuries to him. The claimant had therefore filed the above petition claiming compensation for the injuries sustained by him.



3. The appellant herein had denied that the accident had occurred on account of rash and negligent driving of its driver. Further they had placed negligence squarely upon the claimant. It is their contention that since the FIR had been lodged only by the claimant's father he had given his narration in order to save his son and placed the onus entirely upon the driver of the appellant bus. The appellant had denied the other allegations contained therein, particularly with reference to the income of the respondent.

4. The Tribunal below after considering the evidence on record and hearing the arguments had held that the accident had occurred solely on the ground of rash and negligent driving of the driver of the bus and awarded a compensation of Rs.9,67,810/-. The bulk of the compensation was for medical expenses, all of which has been substantiated with documentary proof. It is this award that is subject matter of challenge by the Transport Corporation.

5. Heard the learned counsel on either side. The FIR which no doubt has been lodged two days after the occurrence has clearly stated the manner in which the accident had taken place. The driver of the appellant bus did not deem it fit to lodge a complaint despite the fact that the accident is admitted. The motor vehicle inspection report, Ex.P7 has also pointed out that the appellant is the cause of the accident. Therefore, the finding of the Tribunal below with reference to negligence cannot be reversed. As regards the compensation, the same has been granted very reasonably and no grounds have been made out to set aside the same. Therefore, I find no reason to interfere with the award passed by the Tribunal.

6. In view of the same, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

dsa



To

The Subordinate Judge,
Special Sub-Court to deal with MCOP Cases,
Thiruvallur District.

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Copy to
The Section Officer
VR Section
High Court, Madras 104.

+1 CC to M/s.G.V. Shobha, Advocate sr 22203.

CMA No.4051 of 2019

PL(CO)
SP(03/06/2022)