



C.M.A.No.2249 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

CORAM:

THE HONOURABLE Ms.JUSTICE P.T.ASHA

C.M.A.No.2249 of 2022

and

C.M.P.No.17306 of 2022

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Villupuram Division-II,
Kanchipuram.

... Appellant

vs.

M.Sulthan

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Judgment and Decree dated 06.12.2021 made in M.C.O.P.No.2274 of 2017 on the file of the Motor Accident Claims Tribunal, the Special Subordinate Judge, Cuddalore.

For Appellant : Mr.K.J.Sivakumar
For Respondents : Mrs.Ramya V.Rao



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JUDGMENT

The Respondent/Transport Corporation before the Motor Accident Claims Tribunal, Special Subordinate Judge, Cuddalore in M.C.O.P.No.2274 of 2017 is the appellant herein.

2. The brief facts are herein below narrated and the parties are referred to in the same ranking as before the Tribunal.

3. It is the case of the petitioner that on 22.04.2017 when the petitioner was riding his motor cycle keeping to the extreme left, the respondent's bus coming in the same direction driven in a rash and negligent manner had hit the motor cycle from behind as a result of which the petitioner was thrown out from the motor cycle and sustained grievous injuries and sustained multiple fracture all over the body and hence, he claims Rs.10,00,000/- as compensation. It is the case of the petitioner that petitioner was aged 60 years and was



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working as a commission agent and earned a sum of Rs.15,000/- p.m.

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4. The Transport Corporation filed a counter *inter-alia* denying the contention on the claim petition and stating that the petitioner himself has contributed to the accident and further that he did not possess a valid driving licence at the time of accident and therefore, the claim petition has to be dismissed.

5. The Tribunal on consideration of the evidence and particularly, the deposition of PW2 and the admission of RW1 and RW2, the driver of the respondent's vehicle in their cross came to the conclusion that the accident had occurred only on account of the negligence on the part of the driver of the respondent's bus.

6. The Tribunal had thereafter proceeded to award a sum of Rs.81,600/-. The Tribunal had taken into account the disability certificate issued by the Medical Board marked as Ex.C1 to assess the



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disability at 8%. Thereafter, adopting the percentage basis had awarded a sum of Rs.21,000/-. The appellant has also taken treatment as in-patient and considering these facts, the compensation of Rs.81,600/- has been awarded. Challenging the same, the Transport Corporation is before this Court.

7. Heard the learned counsel on either side and perused the materials on record.

8. A perusal of the award passed by the Tribunal would indicate the detailed appreciation of the evidence by the learned Sub-Judge and the findings rendered therein, I see no reason to re-appreciate the evidence with reference to the negligence which the learned Judge has arrived at on considering Ex.P1 – FIR and evidence of PW2, RW1 and RW2.

9. With reference to the quantum, once again the learned Judge



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has been very conservative and reasonable in his award and I see no reason to interfere with the same.

10. In the result, this Civil Miscellaneous Appeal is dismissed and the Judgment and Decree dated 06.12.2021 made in M.C.O.P.No.2274 of 2017 on the file of the Motor Accident Claims Tribunal, the Special Subordinate Judge, Cuddalore is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

28.11.2022

Index : Yes/No
Speaking / Non-speaking order
ssn

To

1. The Motor Accident Claims Tribunal,
Special Subordinate Judge,
Cuddalore.
2. The Section Officer,
V.R.Section,
High Court of Madras,



Chennai.

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P.T.ASHA, J.,

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