



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CMA No.3594 of 2021

And

C.M.P.No. 21059 of 2021

The Managing Director ...Appellant/Respondent
Tamil Nadu State Transport Corporation Ltd
Salem

Vs

1. Kamatchi
2. Minor Harinidharashini
3. Minor Hashini
4. Minor Hariharan
5. Kanaka ...Respondents/Petitioners

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the M.V. Act, 1988 against the Judgment and decree dated 08.02.2021 made in M.C.O.P.No. 23 of 2020 on the file of the Motor Accident Claims Tribunal/Special District Court, Krishnagiri.

For Appellant : Mr. D.Raghu

J U D G M E N T

The Transport Corporation is on appeal.

2. Challenge is to the award to the Motor Accident Claims Tribunal/Special District Court, Krishnagiri, made in M.C.O.P.No. 23 of 2020.

3. The claimants sought for compensation for the death of one Ganesh Prabhu in a motor accident that occurred on 11.12.2018. The FIR was filed against the driver of the bus belonging to the Appellant Corporation. The claimants sought for compensation of Rs.50/- lakhs.

4. The Tribunal on appreciation of the evidence granted an award for a sum of Rs.20,44,400/- and fixed the contributory negligence on the part of the deceased at 10% and after deducting 10%, the Tribunal awarded a sum of Rs.18,39,960/- as total compensation.



5. Mr.D.Raghu, learned counsel appearing for the appellant Transport Corporation would contend that it was the negligence of the claimant that caused the accident. He would also to rely upon a plan said to have been prepared by the Inspector of Police, Jalagandapuram on 11.12.2018.

6. Unfortunately, no evidence has been let in by the Corporation before the Tribunal. The plan which is now sought has not been made part of evidence. Without examining the driver of the bus and without marking the documents before the Tribunal, the appellant Corporation cannot be heard to contended that the driver of the bus was not negligent or that the deceased was negligent.

7. The Tribunal has assessed the compensation as well as the contributory negligence and has deducted 10% from the compensation towards the same. Hence, I do not see any reason to entertain the Appeal. This Civil Miscellaneous Appeal fails and it is accordingly, dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

vsg
To

1.The Motor Accident Claims Tribunal,
Special District Court, Krishnagiri.

+1 CC to Mr.D.Raghu, Advocate sr 278

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SSN(CO)
SP(17/02/2022)