



C.M.A.No.2728 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on 13.12.2022	Pronounced on 22.12.2022
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THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.M.A.No.2728 of 2022

and

C.M.P.No.21318 of 2022

The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan Illam, Anna Salai,
Chennai 600 002.

... Appellant

Vs.

Miss.Alima Bee @ Lakshmi @ Lakshmi Priya, Minor
D/o.Syed Sardar,
Minor rep. by her Mother and next friend Sham Sath Begum
No.4B, Ramalingasamy Street,
Chinnasekkadu, Manali,
Chennai 600 068.

... Respondent

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988 to set aside the Judgment and Decree dated 11.03.2022 passed in MCOP.No.837 of 2018 by the Motor Accident Claims Tribunal, Chennai (IV Small Causes Court, Chennai).

For Appellant

: Mr.A.Vinothraj



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J U D G M E N T

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The Appeal has been filed against the Judgment and Decree dated 11.03.2022 made in MCOP.No.837 of 2018 by the Motor Accident Claims Tribunal, Chennai (IV Small Causes Court, Chennai).

2.The Transport Corporation is the Appellant herein, challenging the award passed in MCOP.No.837 of 2018, dated 11.03.2022 by the learned IV Judge, Court of Small Causes, Chennai. For the sake of convenience, the parties are referred to as per their ranking before the trial Court.

3.The Transport Corporation filed the above Appeal on the ground of denying the factum of the accident.

4.Before the Tribunal, the claim Petitioner filed the above MCOP, seeking compensation for the injuries sustained by her in a road traffic accident. On 29.09.2016, when the claim Petitioner was travelling as a pillion rider in a motorcycle bearing Reg. No.TN 05 BF 7245 at Ennore High Road, Tondiarpet, Chennai, the Transport Corporation bus bearing Reg. No.TN 01 N 4210, proceeding in the opposite direction dashed against the motorcycle, in which the



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Petitioner was travelling as pillion rider.

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5.During the trial, on the side of the claim Petitioner, PW1 & PW2 were examined, Ex.P1 to Ex.P.12 were marked and on the side of the Respondents, RW1 was examined and Ex.R1 to Ex.R4 were marked.

6.The Transport Corporation in the counter affidavit filed before the Tribunal, contended that no such accident was taken place. The trial Court based on the oral and documentary evidences that Ex.P.1/FIR, Ex.P.2/Accident Register, Ex.P.4/discharge summary I, Ex.P.5/discharge summary II, Ex.P.6/Out patient treatment records issued by the Government Hospital, rendered a finding that the documents proved the factum of the accident. In fact RW1, who is the driver of the vehicle has admitted in his cross examination that FIR was filed against him and after investigation, police also filed charge sheet against him. It remains to be stated that, when a specific question was put to RW1 about the accident, the driver has not chosen to report the accident to the higher authorities. Based upon the oral and documentary evidences and proper appreciation of the evidence, trial Court has rendered a finding that the vehicle driven by RW1/driver met with an accident and hence the sole point that was



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projected for the Appeal has no legs to stand.

7.In view of the categorical finding based upon the documentary evidence and admission of RW1, the Tribunal has rightly come to the conclusion that the vehicle of the Transport Corporation was involved in the accident. Therefore, there is no merit in this Appeal

8.After going through the heads of compensation awarded by the Tribunal, I find that it is just and reasonable, and the award passed by the Tribunal does not warrant any interference of this Court.

9.Accordingly, the Appeal is dismissed at the admission stage itself. No costs. Consequently connected Miscellaneous Petition is closed.

22.12.2022

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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The IV Judge,
Court of Small Causes,
Chennai.



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RMT.TEEKAA RAMAN.J,

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Pre-delivery Judgment made in

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Dated: 22.12.2022