



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2022

CORAM :

WEB COPY

**THE HONOURABLE MRS.JUSTICE S.ANANTHI**

C.M.A. (MD)No.207 of 2021

and

C.M.P. (MD)No.1806 of 2021

The Tamil Nadu State Transport Corporation,  
Bye Pass Road,  
Madurai,  
through its Managing Director.

... Appellant/Respondent

Vs.

Mohan

... Respondent/Claimant

**PRAYER:** Civil Miscellaneous Appeal is filed under Section 173 of M.V.Act, 1988, to set aside the order and decree dated 17.10.2019 passed in M.C.O.P.No.313 of 2015 on the file of the learned Motor Accident Claims Tribunal (IV Additional Sub Judge), Madurai.

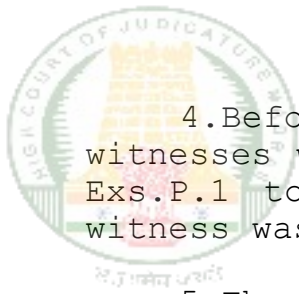
For Appellant : Mr.K.Sudalaiyandi  
For Respondent : No Appearance

**O R D E R**

This Civil Miscellaneous Appeal has been filed by the Transport Corporation to set aside the order, dated 17.10.2019 in M.C.O.P.No.313 passed by the learned Motor Accident Claims Tribunal (IV Additional Sub Judge), Madurai.

2.It is a case of accident, which took place on 20.04.2015, at about 11.30 hrs, one Sundarrajan was riding a motor cycle bearing Regn. No.TN-58-0270 in which the claimant was travelling as a pillion rider, from Melur Malampatti, near Malampatti Bridge, a bus belonging to the Transport Corporation came an opposite direction bearing Regn. No.TN-58-N-0900 which was driven by its driver drove the bus with rash and negligent manner and dashed against the said two wheeler. Due to the said accident, the claimant has sustained grievous injuries.

3.The claimant has filed a petition in M.C.O.P.No.313 of 2015 on the file of the Motor Accident Claims Tribunal/Subordinate Judge, Madurai, seeking compensation.



4.Before the Tribunal, on the side of the claimants two witnesses were examined as P.Ws.1 & 2 and marked eight documents as Exs.P.1 to P.8. On the side of the Transport Corporation, one witness was examined as R.W.1 and no document was marked.

5.The Tribunal, after considering the pleadings, oral and documentary evidences and the arguments of the counsel for the claimant and the Transport Corporation and also on appreciating the evidences on record, held that the accident was occurred only, due to the rash and negligent driving of the driver of the Transport Corporation and directed the Transport Corporation to pay a sum of Rs.3,34,000/-as compensation.

6.Heard the learned counsel appearing for the appellant. Perused the materials available on record.

7.This Civil Miscellaneous Appeal is filed on the ground that the rider of the two wheeler suddenly crossed the road on 20.04.2015. So, only the driver of the two wheeler invited the accident. Hence, the appellant/Transport corporation is not liable to pay any compensation to the claimant and also objected the quantum fixed by the Tribunal.

8.In the road accident, the claimant has sustained grievous injuries on his left shoulder and left leg. After the accident, he was admitted in S.P.Hospital. The tribunal has awarded a sum of Rs.3,34,000/-as compensation with 7.5% interest. The First Information Report was registered against the driver of the appellant/Transport Corporation. The claimant was examined as P.W.1. He has clearly deposed in his evidence that the alleged accident was occurred only due to rash and negligent driving of the driver of the appellant/Transport Corporation. The driver of the appellant bus was examined as R.W.1. He has clearly stated that the claimant suddenly crossed the road so, the accident was occurred. But, there is no contra evidence against the First information Report and evidence of P.W.1. So, the tribunal has fixed liability correctly on the driver of the appellant/Transport Corporation.

9.It is revealed from the medical records that the claimant sustained 12% permanent disability. The tribunal has fixed Rs.3,500/-for permanent disability for each percentage and so, it can be reduced. This Court is fixed Rs.3,000/-per percentage for permanent disability. There is no fracture and only the claimant sustained grievous injuries on the left shoulder and left leg. But, the tribunal has awarded a sum of Rs.1 lakh for pain and suffering the same may be reduced and this Court has fixed Rs.50,000/-for pain and suffering. All other aspects the order of the tribunal is confirmed.





2.Mohan,  
S/o.Ayyavu,  
D.No.1/91, West Street,  
Melamadai, Madurai-625 001.

Copy to  
The Record Keeper,  
V.R. Section,  
Madurai Bench of Madras High Court,  
Madurai. (2 Copies)

+1 CC to M/s.K.SUDALAIYANDI, Advocate ( SR-2093[F] dated  
21/01/2022 )

**Order made in  
C.M.A. (MD) No.207 of 2021  
21.01.2022**

RS (28.02.2022) 4P-6C