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C.M.A.No.1727 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

C.M.A.No.1727 of 2023

and

C.M.P.No.16967 of 2023

The Managing Director,
Tamilnadu State Transport Corporation,
Dharmapuri.

... Appellant

Vs

Nayagi

... Respondent

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 04.01.2022 in MCOP.No.382 of 2020 on the file of the Motor Accident Claims Tribunal, Special Subordinate Court, MACT, Krishnagiri.

For Appellant : Mr.D.Nitin



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J U D G M E N T

The instant appeal has been filed by the Transport Corporation challenging the award dated 04.01.2022 passed by the Motor Accident Claims Tribunal, Special Subordinate Court, MACT, Krishnagiri in M.C.O.P.No.382 of 2020.

2. The appellant / Transport Corporation is the respondent in MCOP.No.382 of 2020, on the file of the Motor Accidents Claims Tribunal, Special Subordinate Court, MACT, Krishnagiri.

3. The respondent, who is the claimant, has filed the said claim petition claiming a sum of Rs.20,00,000/- as compensation stating that while she was travelling along with her just born baby and her mother in an Auto bearing Registration No.TN-24-J-3865 on the Guruvinayanapalli to Krishnagiri, the driver of the bus bearing Registration No.TN-29-N-2679 drove the same in a rash and negligent manner and dashed against the Auto, due to which, the respondent, her baby and her mother sustained grievous injuries and hence, filed claim petition claiming compensation against the appellant / Transport Corporation.



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4. The appellant / Transport Corporation remained ex parte before the Tribunal and hence, counter was not filed before the Tribunal.

5. The respondent examined two witnesses as PW.1 and PW.2. Ten documents were marked as Ex.P.1 to Ex.P.10. Court documents were marked as Ex.C1 and Ex.C2 / Disability certificates.

6. The Tribunal, after considering the evidence and documents filed on the side of the respondent, held that the accident occurred due to rash and negligent driving by the driver of the bus belonging to the appellant / Transport Corporation and directed the appellant to pay a sum of Rs.3,09,197/- as compensation to the respondent.

7. Aggrieved over the said award, the appellant / Transport Corporation has filed the present appeal.



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8. The learned counsel for the appellant submitted that the instant appeal has been filed challenging the finding of negligence and the compensation awarded by the Tribunal. The learned counsel further submitted that the respondent-claimant has not established that the accident took place due to the negligence of the driver of the bus belonging to the appellant / Transport Corporation and prayed for allowing the appeal.

9. Heard the learned counsel appearing for the appellant and perused the materials on record.

10. On perusal of the records, this Court finds that the appellant / Transport Corporation was set ex parte before the Tribunal and the award was passed based on the evidence of the respondent. The respondent who examined herself as P.W.2, has stated that she suffered the injuries only due to the accident caused on account of rash and negligent driving by the driver of the bus. The respondent had also marked Ex.P1/FIR and Ex.P10/Accident Register to corroborate her evidence. In the absence of any contra evidence let in by the appellant, this Court is of the view that the finding of the Tribunal fixing negligence on the driver of the offending



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vehicle is justified. The learned counsel also is unable to point out any error in the quantum of compensation awarded by the Tribunal. Therefore, this Court does not find any reason to interfere in the award passed by the Tribunal.

11. In the result, the Civil Miscellaneous Appeal stands dismissed confirming the award passed by the Tribunal. Consequently connected miscellaneous petition is closed. There shall be no order as to costs. The appellant / Transport Corporation is directed to deposit the award amount fixed by the Tribunal, within a period of eight weeks from the date of receipt of copy of this Judgment. On such deposit, the respondent is permitted to withdraw the award amount along with interest and costs, less the amount if any, already withdrawn.

09.08.2023

Index: Yes/No
Neutral Citation: Yes/No
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SUNDER MOHAN, J.

AT

To

1.The Motor Accident Claims Tribunal,
Special Subordinate Court, MACT, Krishnagiri.

2. The Section Officer,
VR Section,
High Court, Madras.

C.M.A.No.1727 of 2023 and
C.M.P.No.16967 of 2023

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