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CMA No.2179 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2023

CORAM :

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

C.M.A.No.2179 of 2023

and

C.M.P. No.21013 of 2023

The Managing Director,
Tamil Nadu State Transport Corporation Limited
(VIC-II) Periyamilaguparai,
Trichy- 620 001.

... Appellant

Vs.

1. Sahana (Minor)
(Minor Rep., by her father/natural guardian
and next friend S.A.Samandam)

2. M.Saminathan

..Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 against the order dated 15.02.2023 made in M.C.O.P.No. 210 of 2010 on the file of the Exclusive Motor Accident Claims Tribunal, Tiruppur.

For Appellant : Mr. M. Murali Vinodh



CMA No.2179 of 2023

J U D G M E N T

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2. The first respondent along with 2 others have filed claim petitions stating that an accident took place on 12.07.2009 in which the first respondent sustained injuries; that the said accident was due to the negligence of the driver of the bus belonging to the appellant-Transport Corporation.

3. The appellant resisted the said claim petitions and submitted that the accident took place only due to the negligence of the rider of the two wheeler in which the first respondent travelled as a pillion rider; that in any case the compensation claimed by the respondent was excessive.

4. The Tribunal after considering the oral and documentary evidence held that the appellant is liable to pay Rs.25,000/- to the first respondent, as the first respondent sustained simple injuries in the accident.



CMA No.2179 of 2023

WEB COPY

5. The learned counsel for the appellant submitted that the appellant is not liable to pay compensation as the rider of the two wheeler had committed violation of the Motor Vehicles Act by travelling with two pillion riders.

6. From the materials available on record, this Court finds that the Tribunal held that the accident took place entirely due to negligence of the driver of the bus belonging to the appellant-Transport Corporation. Though the driver of the appellant-Transport corporation was examined, his evidence was rejected by the Tribunal. In the facts and circumstances of the case, this Court finds no infirmity in the said finding. Further, in view of Ex.P8, the Tribunal found that the first respondent had suffered simple injuries and awarded a compensation of Rs.25,070/-. There is no infirmity in the said finding as well. Therefore, this Court is of the view that the appeal deserves to be dismissed.

7. In the result, this Civil Miscellaneous Appeal stands dismissed confirming the award passed by the Tribunal. Consequently, connected



CMA No.2179 of 2023

miscellaneous petition is closed. There shall be no order as to costs. The appellant-Transport Corporation is directed to deposit the compensation amount fixed by the Tribunal, within a period of four weeks from the date of receipt of copy of this judgment. On such deposit, the first respondent is permitted to withdraw the award amount along with interest and costs, less the amount if any, already withdrawn.

20.09.2023

Index: Yes/No

Neutral Citation: Yes / No

AT

To

1.The Exclusive Motor Accident Claims Tribunal, Tiruppur.

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



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SUNDER MOHAN, J.

AT

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