



C.M.A. (MD)No.277 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CMA(MD).No.277 of 2023 and
CMP(MD).No.3392 of 2023

The Branch Manager,
State Transport Corporation,
Pudukottai Branch.

...Appellant

Vs.

1.Ramesh

2.The Branch Manager,
United Insurance Company Limited,
T.S.No.5476.79,
Sundaram Masila Maaligai,
Old Thirumayam Road,
Pudukottai Town and District.

.. Respondent

PRAYER: This Civil Miscellaneous Appeal is filed under Section under Section 173 of Motor Vehicles Act, 1988 against the order passed in MCOP.No.55 of 2016, dated 15.11.2019 on the file of the MACT (Chief Judicial Magistrate), Pudukottai.



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For Appellant : Mr. P.M.Vishnuvarthan

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JUDGMENT

Challenging the compensation of Rs.35,000/- awarded to the injured, this Civil Miscellaneous Appeal has been filed.

2. The brief facts leading to the filing of the case is as follows:

The first respondent / claimant while riding in a motor cycle bearing Regn.No.TN 55 AJ 1792 from Pudukkottai to Regunathapuram, the driver of the bus belonging to the appellant / Transport Corporation bearing Regn.No.TN 55 N 0547 came in a rash and negligent manner and dashed against him and as a result, he has sustained injuries and admitted in the hospital for 10 days. Therefore, he has claimed a compensation of Rs.2,00,000/-.

3. The appellant / Transport Corporation took a stand that the bus was driven in a cautious manner. However, the rider of the motor-cycle came in a rash and negligent manner and invited the accident. The



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Tribunal, after considering the entire evidence, particularly the evidence of PW.1 found that the driver of the bus was negligent and thereafter, considering the documents filed by the claimant, has awarded a sum of Rs.35,000/- and held that the claimant has sustained only simple injuries.

4. On a perusal of the entire award amount, this Court is of the view that this appeal itself nothing but an abuse of process of law. The Tribunal considering the entire evidence and Exs.P6 and P7 concluded that the first respondent / claimant has suffered only simple injury and awarded a sum of Rs.35,000/- as compensation, which seems to be just and reasonable. Hence, I do not find any interference in the Award passed by the Tribunal.

5. Accordingly, the Civil Miscellaneous Appeal is dismissed.
No costs. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes/No
Internet : Yes/No
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To

The MACT (Chief Judicial Magistrate), Pudukottai.



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N.SATHISH KUMAR, J.

trp

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