



C.M.A.(MD).No.149 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.M.A.(MD).No.149 of 2023

and

C.M.P.(MD).No.1392 of 2023

Tamil Nadu State Transport Corporation Limited,
Kumbakonam,
Office Bypass Road,
Karaikudi,
represented by its Managing Director.

... Appellant

Vs.

Muthulakshmi

... Respondent

PRAYER: Civil Miscellaneous Appeal has been filed under Section 173 of the Motor Vehicles Act, 1988, against the order passed in M.C.O.P.No.141 of 2017, dated 31.12.2019 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate Court), Thoothukudi.

For Appellant : Mr.P.M.Vishuvarthanan

For Respondent : Mr.A.Selvaraj



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J U D G M E N T

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Challenging the award passed by the Motor Accident Claims Tribunal (Chief Judicial Magistrate Court), Thoothukudi in M.C.O.P.No.141 of 2017, dated 31.12.2019, this appeal came to be filed by the Transport Corporation.

2. The only ground on which the appeal is filed that the Tribunal has not considered the written submission as well as the stand of the respondent. Therefore, the award passed by the Tribunal has been challenged in this appeal.

3. The injured claimant was working as Staff Nurse and while travelling in 108 Ambulance bearing No.TN 20 G 1414 at 12.30 p.m., on 29.07.2016, the bus bearing Registration No.TN 63 N 1433 came in a rash and negligent manner and dashed against the Ambulance. As a result, the claimant sustained grievous injuries and taken treatment as in-patient in Preethi Hospital from 29.07.2016 to 09.08.2016. Hence, she claimed a sum of Rs.15,00,000/- as compensation. The only contention of the respondent Corporation is that the bus was driven in a careful manner and the driver of the ambulance came in a rash and negligent manner and dashed against the bus.



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4. Before the Tribunal, on the side of the petitioner, P.Ws.1 and 2 were examined and Exs.A1 to A15 were marked and on the side of the respondent, R.W.1 was examined.

5. The Tribunal, considering the evidence of P.Ws.1 and 2, R.W.1 and particularly the F.I.R., found that only the driver of the offending vehicle is negligent in driving the vehicle. Further, taking note of the medical evidence and the disability certificate, the Tribunal has awarded a sum of Rs.2,26,600/- as compensation in the following manner:

S. No	Description	Amount awarded by the Tribunal
1.	For disability	Rs.1,28,000/-
2.	For medical expenses	Rs.28,600/-
3.	For loss of income	Rs.30,000/-
4.	For pain and suffering	Rs.30,000/-
5.	For transportation	Rs.5,000/-
6.	For nutrition	Rs.5,000/-
	Total	Rs.2,26,600/-

Challenging the quantum of compensation, the present appeal has been filed by the Transport Corporation.



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6. On perusal of the entire judgment of the Tribunal, this Court is of the view that the very appeal itself is nothing, but an abuse of process of law. In fact, the Tribunal has considered not only the counter of the respondent but also all the relevant documents and awarded the compensation, on the basis of the documents filed on the side of the petitioner.

7. In such a view of the matter, when no other evidence available on record to disbelieve the contention of the claimant, this Court is of the view that the compensation awarded by the Tribunal is reasonable and does not require any interference.

8. In the result, the Civil Miscellaneous Appeal is dismissed and the appellant/Transport Corporation is directed to deposit the entire award amount within a period of one month from the date of receipt of a copy of this order. On such deposit, the claimant is permitted to withdraw the same with interest at the rate of 7.5% per annum. No costs. Consequently, the connected Miscellaneous Petition is closed.

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To
The Motor Accident Claims Tribunal
(Chief Judicial Magistrate Court), Thoothukudi.



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N.SATHISH KUMAR,J.

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