



C.M.A.(MD).No.524 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.M.A.(MD).No.524 of 2023

and

C.M.P.(MD).No.6687 of 2023

The Managing Director,
Tamil Nadu State Transport Corporation,
Coimbatore.

... Appellant

Vs.

1.K.Archunan
2.Indira
3.Rekha

... Respondents

PRAYER: The Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the award made in M.C.O.P.No.64 of 2019, dated 01.02.2022 on the file of the Motor Accident Claims Tribunal, Special District Court, Madurai.

For Appellant : Mr.P.Prabhakaran

J U D G M E N T

Challenging the quantum of compensation awarded by the Motor Accident Claims Tribunal, Special District Court, Madurai in M.C.O.P.No.64 of 2019, dated 01.02.2022, the present appeal has been filed by the Transport Corporation.



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2. The only contention raised by the learned counsel for the appellant/Transport Corporation before this Court is that the amendment for enhancing the compensation under Section 164 of the Motor Vehicles Act brought in the year 2019.

3. On 03.08.2010, at about 15.45 hours, while the deceased was riding his motorcycle bearing Registration No.TN 59 P 0412 from Tirupur – Polachi Main Road, the bus bearing Registration No.TN 38 N 1018 came in a rash and negligent manner and dashed against the motorcycle. As a result, the deceased succumbed to injuries. Hence, the petitioners have filed the claim petition before the Motor Accident Claims Tribunal. It is the stand of the respondent before the Tribunal that the accident was not caused by the driver of the bus and only the deceased was negligent in riding the motorcycle. However, taking note of the fact that the application has been filed under Section 163(A) of the M.V.Act, the Tribunal has awarded a sum of Rs.5,00,000/-.

4. It is relevant to note that the application filed under Section 163(A) of the M.V.Act, the claimant need not prove the accident. Though the accident was occurred prior to the amendment, the fact remains that the amendment is



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brought only to enhance the compensation payable under Section 163 of the M.C.Act. The claim application was disposed only on 01.02.2022. The amendment has been brought in the year 2019.

5. In such a view of the matter, I do not find any merit in this appeal. Accordingly, this Civil Miscellaneous Appeal is dismissed. 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. No costs. Consequently, the connected Miscellaneous Petition is closed.

12.06.2023

akv

To

The Motor Accident Claims Tribunal,
Special District Court,
Madurai.



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N.SATHISH KUMAR,J.

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