



C.M.A.No.2128 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

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THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

C.M.A.No.2128 of 2022 and
C.M.P.No.16516 of 2022

The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited,
Salem-7 Appellant

VS.

Santhi ...Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 08.04.2021 made in M.C.O.P.No.315 of 2017 on the file of the Motor Accident Claims Tribunal/ Special Sub Court, Cuddalore.

For Appellant : Mr.D.Raghu

For Respondent : Ms.Ramya V Rao



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J U D G M E N T

This Appeal has been filed by the Transport Corporation challenging the Award dated 08.04.2021 passed by the Motor Accident Claims Tribunal/ Special Sub Court, Cuddalore in M.C.O.P.No.315 of 2017, directing the Appellant/Transport Corporation to pay the Claimant a sum of Rs.40,000/- as compensation for the injuries sustained by her in an accident which occurred on 28.09.2016 involving the bus owned by the appellant/Transport Corporation.

2. Before the Tribunal, the Respondent/Claimant claimed a sum of Rs.7,00,000/- as compensation for the injuries sustained by her. In support of her claim, the Claimant marked Exs.P1 to P7 before the Tribunal and the Claimant-P.W.1 was examined as witness. On the side of the Appellant/Transport Corporation, one witness was examined, but no Exhibit was marked.

3. On consideration of the oral and documentary evidence available on record, the Tribunal has awarded a sum of Rs.40,000/- as compensation to the Claimant.

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4. Heard the learned counsel for the parties and perused the material documents available on record.

5. The Appellant has challenged the impugned award on the ground that the compensation awarded by the Tribunal is on the higher side hence seeks reduction of the compensation and that apart the Tribunal ought not to have held that mere registration of F.I.R. against the driver of the Appellant is enough for holding negligence on the driver of the Appellant. It is also stated that the Appellant has not produced any evidence to show that the accident occurred due to negligence on the part of the driver of the Appellant/Transport Corporation.

6.As far as liability is concerned, the Tribunal on considering the evidence of P.W.1- the Claimant, who is the pillion rider of two wheeler has rightly come to the conclusion that the accident occurred due to the negligence on the part of the driver of the Transport Corporation. For the foregoing reasons, this Court does not find any merit in this Appeal on the



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aspect of challenging the negligence.

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7. A perusal of the award would go to show that the Tribunal on considering both and oral evidence and considering the nature of injuries sustained by the claimant, has rightly awarded a sum of Rs.40,000/- as compensation and therefore the same cannot be said to be excessive.

Hence, considering the nature of injuries sustained by the Claimant, the quantum of compensation awarded by the Tribunal to the Respondent/Claimant under various heads, totalling a sum of **Rs.40,000/-**, cannot be considered to be excessive, as alleged by the Appellant/ Transport Corporation and therefore this Appeal is liable to be dismissed.

8. Accordingly, the Civil Miscellaneous Appeal stands dismissed. The Appellant/Transport Corporation is directed to deposit the entire amount awarded by the Tribunal together with interest at 7.5% per annum from the date of the Claim Petition till the date of realization, less the amount, if any, already deposited to the credit of M.C.O.P. No.315 of 2017



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on the file of the Motor Accidents Claims Tribunal, Special Sub Court, Coimbatore, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to transfer the Award amount directly to the Bank account of the Respondent/Claimant through RTGS, within a period of three weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

12.01.2024

Index : Yes / No
Speaking Order : Yes / No

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To:

1. The Motor accident Claims Tribunal,
Special Sub Court, Cuddalore.
2. The Section Officer,
V.R. Section,
High Court of Madras,
Chennai 600 104.



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KRISHNAN RAMASAMY,J.

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