



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.747 of 2024
and CMP No.6839 of 2024

The Managing Director
Tamil Nadu State Transport Corporation Limited,
Villupuram,
Thiruvannamalai District.

..Appellant

.VS.

V.Elumalai

..Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, to set aside the award passed in MCOP No.142 of 2022 dated 1.03.2023, on the file of the Motor Vehicle Accident Claim Tribunal, Special Subordinate Judge, Krishnagiri.

For Appellant : Mr.C.R.Sureshkumar

JUDGMENT

This civil miscellaneous appeal has been filed by the Transport Corporation questioning the quantum of compensation fixed by the Tribunal through Award dated 01.03.2023 made in MCOP No.142 of 2022.



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2.This Court has carefully considered the submissions of the learned counsel for the Transport Corporation, materials available on record and also the Award passed by the Tribunal.

3.The claimant was driving a two wheeler and the driver of the Transport Corporation bus is said to have driven the vehicle in a rash and negligent manner and as a result, he dashed the two wheeler as a result of which the driver of the two wheeler fell down and sustained grievous injuries.

4.The learned counsel for the appellant submitted that the Tribunal went wrong in awarding compensation by fixing 50% disability and there was absolutely no evidence regarding the disability which was actually suffered by the claimant and no Doctor was examined in this regard. The learned counsel further submitted that the claimant did not add the Insurance company as a party in the claim petition and there was an FIR and charge sheet that was filed against the claimant and it was pending. The learned counsel submitted that at the best, the Tribunal ought to have granted compensation only by considering the grievous injuries sustained by the claimant and the compensation ought not to have been fixed on percentage method.

5.In the considered view of this Court, the Tribunal has taken into consideration the fact that the Driver of the bus had driven the bus in a rash and



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negligent manner and to prove the fact of the negligence, the evidence of PW2 and also PW1 had been taken into consideration. The Tribunal came to a conclusion that the petition has been filed under Section 163 A of the Motor Vehicles Act and therefore, the question of negligence need not be gone into by the Tribunal. Hence, the FIR that was registered against the claimant and the charge sheet that was filed after the completion of the investigation, becomes irrelevant in the instant case.

6.The Tribunal has also taken into consideration the fact that the District Medical Board has fixed partial disability of 50%. Therefore, the Tribunal adopted percentage method and fixed Rs.5,000/- per percentage and accordingly, determined the compensation for disability at Rs.2,25,000/-

7.On the overall assessment of the Award passed by the Tribunal, this Court does not find any ground to interfere with the same and accordingly, this appeal stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

01.04.2024

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
ssr



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N. ANAND VENKATESH., J

ssr

To

The Motor Vehicle Accident Claim Tribunal,
Special Subordinate Judge, Krishnagiri.

Copy to:-

The Section Officer
VR Section, High Court,
Chennai.

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