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C.M.A.No.517 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

C.M.A.No.517 of 2023

and

C.M.P.No.4527 of 2023

The Managing Director,
Metropolitan Transport Corporation Ltd.,
PallavanSalai,
Chennai – 600 002.

.. Appellant

Vs.

Arunkumar

.. Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree dated 08.11.2021 passed in M.C.O.P.No.7762 of 2015 by the Motor Accidents Claims Tribunal, Chennai (Principal Special Judge under EC & NDPS, Special Court, Chennai).

For Appellant : Mr.A.Vinothraj

For respondent : Mr.K.Varadha Kamaraj



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J U D G M E N T

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The Transport Corporation questioning their liability has filed the present appeal against the award passed by the Motor Accidents Claims Tribunal, Chennai, (Principal Special Judge under EC & NDPS Act, Special Court, Chennai) in M.C.O.P.No.7762 of 2015 dated 08.11.2021.

2.The case of the claimant is that on 13.08.2015, the claimant was riding a two wheeler near Veeraraghavan street junction at Tondiarpet, Chennai and at about 10.30 hours, the bus belonging to the Transport Corporation was driven in a rash and negligent manner and it hit the two wheeler, as a result of which the claimant sustained grievous injuries. An FIR came to be registered against the driver of the bus belonging to the Transport Corporation. It is under these circumstances, the claim petition came to be filed before the Tribunal.

3.The Tribunal on considering the facts and circumstances of the case and on appreciation of the oral and documentary evidence, came to a conclusion that the accident had taken place only due to the negligence on the part of the Transport Corporation bus. The Tribunal having rendered



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such a finding, proceeded to fix the total compensation at Rs.97,130/-
under various heads as follows:

1.Permanent Disability	-	Rs.60,000/-
2.Loss of Studies	-	Rs.20,000/-
3.Pain and Suffering, Extra Nourishment and Medical Transportation	-	Rs.15,000/-
4.Medical Expenses	-	Rs.2,130/-

Total		Rs.97,130/-

4.The above compensation was directed to be paid with interest at
the rate of 7.5% per annum.

5.The Transport Corporation aggrieved by the award passed by the
Tribunal has filed the present appeal before this Court questioning their
liability.

6.Heard the learned counsel for the appellant and respondent.

7.This Court has carefully considered the submissions made on



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either side and the materials available on record.

8.This Court has also carefully gone through the award passed by the Tribunal.

9.The learned counsel for the appellant submitted that the accident in this case had occurred on 13.08.2015 and whereas, the complaint was given after nearly 8 days on 21.08.2015. It was contended that such an accident never took place and a false case has been filed by the claimant.

10.The Tribunal had dealt with this issue and it considered the evidence of P.W.1 to P.W.3 and R.W.1 in this regard. R.W.1 who was the driver of the bus has stated that there was no such accident as alleged by the claimant. The Tribunal considered the fact that an FIR came to be registered in this case which also resulted in a final report which was marked as Ex.P15. On going through the final report, it is seen that the driver of the bus has been charge sheeted for the offences under Section 338 of IPC and Section 184 of the Motor Vehicles Act. In view of the same, the Tribunal came to a conclusion that there was no contra



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evidence to reject this evidence and if really no accident had taken place as alleged by R.W.1, nothing prevented R.W.1 from producing the trip sheet. Hence, by applying the test of preponderance of probabilities, the Tribunal came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the bus belonging to Transport Corporation. This finding of the Tribunal does not suffer from any illegality and it does not warrant the interference of this Court.

11.The compensation that has been fixed by the Tribunal is reasonable and it does not require the interference of this Court.

12.In the light of the above discussion, the compensation fixed by the Tribunal at Rs.97,130/- stands affirmed. The appellant – Transport Corporation is directed to deposit the compensation amount along with interest at the rate of 7.5% per annum, less the amount already deposited within a period of six (6) weeks from the date of receipt of a copy of this judgment. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.



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13.In the result, this Civil Miscellaneous Appeal stands dismissed.

Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

1.The Principal Special Judge,
Motor Accident Claims Tribunal,
Special Court under EC & NDPS Act,
Chennai.

2.The Section Officer,
VR Section,
Madras High Court,
Chennai.

N.ANAND VENKATESH, J.



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