



WEB COPY



Civil Miscellaneous Appeal No.1541 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Civil Miscellaneous Appeal No.1541 of 2024
and
C.M.P.No.13216 of 2024

The General Manager,
Tamil Nadu State Transport Corporation,
Villupuram Ltd., Rangapuram,
Vellore Region, Vellore.

... Appellant

Vs.

P.Govindasamy
S/o.Parasuraman

... Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 03.03.2023 made in M.C.O.P.No.505 of 2016 on the file of Motor Accident Claims Tribunal, Chief Judicial Magistrate, Vellore.

For Appellant : Mr.R.Balaji



JUDGMENT

The appellant transport corporation, aggrieved by the award passed by the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Vellore, in M.C.O.P.No.505 of 2016, dated 03.03.2023, has filed this appeal.

2. The case of the claimant is that on 14.04.2016 he was travelling in the bus belonging to the transport corporation from Odugathur to Vellore and at about 07.00 p.m., the bus was driven in a rash and negligent manner and it went very near to a lorry due to which the lorry came in contact with the bus and the claimant, who had kept his hand on the iron railing near the window, sustained injuries and a fracture in his right hand. A First Information Report came to be registered in Crime No.93 of 2016 against the bus driver. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking compensation.

3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, 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 the appellant transport corporation. Having reached such a finding, the



Tribunal proceeded to fix the total compensation at Rs.1,29,500/- under various heads as follows:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Pain and sufferings	35,000/-
2.	10% Injury	50,000/-
3.	Loss of earning and partial loss of earning	18,000/-
4.	Medical expenses	15,500/-
5.	Extra nourishment	5,000/-
6.	Transport	5,000/-
7.	Damages to clothes and articles	1,000/-
	Total	1,29,500/-

The above compensation was directed to be paid along with interest at 7.5% p.a.

4. The appellant transport corporation, aggrieved by the award passed by the Tribunal, has filed the present appeal mainly on the ground that the Tribunal ought to have attributed some amount of contributory negligence on the part of the claimant.

5. Heard Mr.R.Balaji, learned counsel for appellant transport corporation.



6. This Court carefully considered the submissions made by learned counsel for appellant and the materials available on record.

7. This Court also carefully went through the award passed by the Tribunal.

8. In the considered view of this Court, the Tribunal has properly appreciated the evidence and considered the stand taken by the appellant transport corporation along with the evidence of PW-1, who was the driver of the bus and has come to a conclusion that the bus went very near to the lorry and in fact it came in contact with the lorry, as a result of which, the claimant, who had placed his hand in the iron railing near the window, suffered a fracture. The bus was not supposed to be driven by getting very close to a vehicle and therefore, the Tribunal rightly attributed the entire negligence on the bus driver. There is no perversity in the finding of the Tribunal and this Court is not inclined to interfere with the finding rendered by the Tribunal.

9. The appellant transport corporation is directed to deposit the compensation awarded by the Tribunal, less the amount already



Civil Miscellaneous Appeal No.1541 of 2024

deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of four (4) weeks from the date of receipt of this judgment. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

In the result, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

05.07.2024

Speaking Judgment/Non-speaking Judgment

Index : Yes/No

Neutral citation: Yes/No

gm

To

The Motor Accident Claims Tribunal,
Chief Judicial Magistrate,

Vellore.



WEB COPY



Civil Miscellaneous Appeal No.1541 of 2024

N.ANAND VENKATESH, J.

gm

Civil Miscellaneous Appeal No.1541 of 2024

05.07.2024