



C.M.A.(MD)No.419 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 12.12.2023

PRONOUNCED ON : 09.01.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

C.M.A.(MD)No.419 of 2013

and

M.P.(MD)No.1 of 2013

Tamil Nadu State Transport
Corporation,
Kumbakonam,
Through its Managing Director

... Appellant

Vs.

Madhavan

... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Order 173 of Motor Vehicles Act, 1988, to set aside the Judgment and decree passed in M.C.O.P.No.594 of 2005 dated 14.11.2007 on the file of the Motor Accident Claims Tribunal, Principal Sub-Court, Thanjavur.



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For Appellant : Mr.M.Prakash

For respondent : No appearance

JUDGMENT

This Civil Miscellaneous Appeal is filed by the appellant Transport Corporation to set aside the Judgment and decree passed in M.C.O.P.No. 594 of 2005 dated 14.11.2007 on the file of the Motor Accident Claims Tribunal, Principal Sub-Court, Thanjavur.

2. For the sake of convenience, the parties are referred herein as per their rank before the Trial Court.

3. The brief facts in a nutshell are as follows:

(i) This is a case of injury. On 05.11.2004 at about 11 A.M., while the petitioner was returning home after selling the fishes on his TVS XL motor cycle bearing registration No.49 7902, near Ovalkudi main road, the bus carrying passengers from Mannarkudi to Nallikottai bearing



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registration No.49 0485 dashed against the petitioner. As a result of which, the petitioner was thrown out from the motor cycle and accordingly, he sustained several injuries all over the body. After the accident, the petitioner was immediately admitted in the Thanjavur Medical College Hospital and took a treatment as in patient from 05.11.2004 to 24.11.2004 and then took treatment as out patient. On 06.11.2004, the petitioner's spleen was removed through a surgery as advised by the doctor.

(ii) Hence, the petitioner has filed a M.C.O.P.No.594 of 2005 before the Motor Accident Claims Tribunal, Principal Sub-Court, Thanjavur, seeking compensation for those injuries. Three witnesses were examined and Ex.P.1 to Ex.P.7 were marked on the side of the petitioner. Neither any witness was examined nor any documentary evidence was marked on the side of the respondent. The learned Tribunal framed two issues and after considering the oral and documentary evidence, the learned Tribunal held that the accident had occurred only due to the rash and negligent driving of the driver of the bus and fixed the liability on the part of the respondent and also awarded a sum of Rs.1,57,700/- (One Lakh Fifty Seven Thousand and Seven Hundred only) as compensation with interest at



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7.5% p.a. from the date of petition. Aggrieved by that award, the appellant / The Tamil Nadu State Transport Corporation, Kumbakonam has filed the present appeal.

4. Heard the learned Counsel appearing for the appellant and perused the materials available on record.

5. On critical perusal of the entire award, it is clear that the Tribunal has rightly assessed the oral and documentary evidence and arrived at a just and reasonable compensation. In view of the same, this Court is of the considered view that it is not necessary to interfere with the award passed by the Tribunal. Accordingly, this Civil Miscellaneous Appeal is dismissed.

6. The appellant is directed to deposit the entire compensation amount as awarded by the Tribunal with accrued interest and costs to the credit of M.C.O.P.No.594 of 2005 before Motor Accident Claims Tribunal, Principal Sub-Court, Thanjavur within a period of eight weeks (8) from the date of receipt of copy of this judgment, less the amount, if any already



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deposited. On such deposit, the claimant is permitted to withdraw the said amount, less the amount, if any already withdrawn, by making necessary application before the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

09.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

The Motor Accident Claims Tribunal,
Principal Sub Court,
Thanjavur.

Copy to

The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.,

Sml

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