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C.M.A.(MD)No.30 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 30.01.2024

CORAM:

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A.(MD)No.1318 of 2023

and

C.M.P.(MD)No.17582 of 2023

The Managing Director,
Tamil Nadu State Transport Corporation,
Periyamilaguparai,
Trichy.

... Appellant

Vs.

1.Manikandan
2.M.Devakumar
3.United Indian Insurance Co. Ltd.,
Divisional Office,
I Promenade Road,
Contonment, Trichy.

... Respondents

PRAYER: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, praying to set aside the judgment dated 04.01.2023 in M.C.O.P.No.779 of 2015, on the file of the Motor Accident Claims Tribunal / Learned Special Sub Judge, Trichirappalli.

For Appellant : Mr.K.Ramaiah

For Respondent No.1 : Mr.N.Sudhagar Nagaraj

For Respondent No.2 : No appearance

For Respondent No.3 : Mr.A.S.Mathialagan



JUDGMENT

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This Civil Miscellaneous Appeal is filed against the Judgment made in M.C.O.P.No.779 of 2015, dated 04.01.2023, on the file of the Motor Accident Claims Tribunal /Special Sub Court, Trichirappalli.

2. It is a case of injury. The appeal is filed by the Transport Corporation. The contention of the appellant is that in the FIR the time of accident was mentioned as 10.45 p.m. In the claim petition the claimant has submitted that the accident was happened at Ariyamangalam to Trichy Main Road near Ukkadai bridge at 10.45 p.m. But on 08.03.2015, the bus bearing No.TN 45 N 3549 was operated only from Trichy to Chennai and the bus trip started at 04.00 p.m. and the bus was available at Trichy – Chennai Road and it was not operated via Ariyamangalam – Ukkadai road. Even in the counter affidavit, the appellant submitted that the bus was not involved in the accident at all.

3. On perusing the order passed by the Tribunal, especially the list of documents submitted by the claimant and the respondents, there is no sketch to indicate accident. Further mahazar and accident report was not filed. Further the appellant has not produced any evidence to prove that the bus was travelling on a different route. It is only based on the First



C.M.A.(MD)No.30 of 2022

Information Report and discharge summary, the award amount of Rs. 63,861/- was granted. Therefore, in order to meet the ends of justice, this Court is granting a sum of Rs.75,000/- as compensation, as full and final settlement.

4. With the above modifications, this Civil Miscellaneous Appeal is partly allowed. The Appellant/Transport Corporation is directed to deposit a sum of Rs.75,000/-as full and final settlement compensation, less the amount if already deposited, within a period of six [6] weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the claimant is permitted to withdraw the same, as per Law. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

30.01.2024

NCC : Yes/No

Index : Yes/No

Internet: Yes/No

MR



C.M.A.(MD)No.30 of 2022

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- To
- 1.The Motor Accident Claims Tribunal /
Special Sub Court,
Trichirappalli.
 - 2.The Managing Director,
Tamil Nadu State Transport Corporation,
Periyamilaguparai,
Trichy.
 - 3.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.M.A.(MD)No.30 of 2022

S.SRIMATHY, J.

MR

C.M.A.(MD)No.1318 of 2023

30.01.2024