



C.M.A(MD)No.191 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2024

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THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.191 of 2022

and

C.M.P.(MD).Nos.1643 of 2022 and 9458 of 2023

The Managing Director,
Tamil Nadu State Transport Corporation,
No.27, Railway Station New Road,
Kumbakonam.

... Appellant

Vs.

Jothivel

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the order passed in M.C.O.P.No.242 of 2019 dated 20.04.2021, on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate Court), Pudukottai.

For Appellant : Mr.P.M.Vishnuvarthanan
For R : Mr.K.C.Maniyarasu

JUDGMENT

The Transport Corporation has preferred this Civil Miscellaneous Appeal.



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2.It is a case of injury. The contention of the Transport Corporation is that the injured tried to over take the bus. When another vehicle was coming from the opposite direction, the injured tried to cross the Transport Corporation vehicle and got hit. Therefore, the Transport Corporation submitted that contributory negligence ought to be fixed on the injured also. This point was not raised before the Tribunal. Moreover, there is no proper evidence to substantiate the said contention.

3. The next contention of the Transport Corporation is that the respondent was not wearing helmet and further contended that the Tribunal has granted Rs. 75,000/- for pain and suffering which is on a higher side for injury case. Therefore, considering the claim of the Transport Corporation, this Court is inclined to reduce Rs.70,000/- from the total compensation amount awarded by the Tribunal. The Tribunal has awarded Rs.6,91,651/- as total compensation and this Court is reducing Rs.70,000/- and hence, the injured is entitled to total compensation of Rs.6,21,651/-.

4. The appellant Transport Corporation is directed to deposit Rs.6,21,651/- with interest at the rate of 7.5% per annum and costs to the credit of M.C.O.P., on



C.M.A(MD)No.191 of 2022

WEB COPY

the file of claims Tribunal, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant is permitted to withdraw the same with proportionate accrued interests and costs, less the amount already withdrawn by him, if any, by filing appropriate application before the Tribunal.

5. With the above said directions, the Civil Miscellaneous Appeal is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

06.03.2024

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

Tmg

To

1.Motor Accident Claims Tribunal /
(Chief Judicial Magistrate Court), Pudukottai.

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



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C.M.A(MD)No.191 of 2022

S.SRIMATHY, J.

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C.M.A(MD)No.191 of 2022

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