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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2024

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THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)Nos.297 & 298 of 2022

and

C.M.P(MD)Nos.2730 & 2731 of 2022 and 11719 & 11720 of 2023

The Managing Director,
M/s. Tamil Nadu Transport Corporation,
Branch Office – 3 (Kumbakonam),
Karaikudi, Marudhupatti, Manakiri Road,
Karaikudi – 630 307.

... Appellant

Vs.

G.Velu	... Respondent in C.M.A.(MD)No.297/2022
M.Ravi Kumar	... Respondent in C.M.A.(MD)No.298/2022

COMMON PRAYER: Civil Miscellaneous Appeals are filed under Section 173 of Motor Vehicles Act, 1988, praying to set aside the impugned awards passed in M.C.O.P.Nos.5 & 6 of 2019 dated 09.10.2020, on the file of the Motor Accident Claims Tribunal (III Additional Sub Judge), Trichy.

For Appellant : Mr.P.M.Vishnuvarthanan

For Respondents : Ms.K.Pandipriya

[In both C.M.As]



COMMON JUDGEMENT

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The Transport Corporation has preferred these Civil Miscellaneous Appeals to set aside the impugned awards passed in M.C.O.P.Nos.5 & 6 of 2019 dated 09.10.2020, on the file of the MACT (III Additional Sub Judge), Trichy.

2. It is a case of injury. The contention of the Transport Corporation is that the two-wheeler was driven in a rash and negligent manner and attempted to turn into right side without noticing the Transport Corporation bus and hit the bus. Moreover, the rider of the vehicle was injured on his head which indicates that he was not wearing helmet at the time of accident. The Tribunal has taken disability as 15% and taken his disability percentage as Rs. 5,000/- which is on the higher side.

3. These appeals have been filed on the ground that the rider of the two-wheeler was not wearing helmet. Moreover, there are many discrepancies in the First Information Report. Therefore, this Court is inclined to reducing some amount from the total compensation.



4. Accordingly,

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(i). C.M.A(MD)No.297 of 2022 is partly allowed. This Court is reducing from Rs.6,63,700/- to Rs.5,80,000/- to the claimant. The Transport Corporation is directed to deposit the same with 7.5% interest along with costs, within a period of 12 weeks from the date of receipt of a copy of this Judgment, less the amount if already deposited. On such being made, the claimant is permitted to withdraw the same.

(ii). C.M.A(MD)No.298 of 2022 is partly allowed. This Court is reducing from Rs.9,02,500/- to Rs.7,70,000/- to the claimant. The Transport Corporation is directed to deposit the same with 7.5% interest along with costs, within a period of 12 weeks from the date of receipt of a copy of this Judgment, less the amount if already deposited. On such being made, the claimant is permitted to withdraw the same.

(iii) No costs. Consequently, connected miscellaneous petitions are closed.

11.03.2024

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

1. The Motor Accident Claims Tribunal,
III Additional Sub Judge,
Trichy.

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



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S.SRIMATHY, J.

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**Common Judgment made in
C.M.A(MD)Nos.297 & 298 of 2022**

11.03.2024