



C.M.A.(MD)No.676 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 12.12.2023

PRONOUNCED ON : 10.01.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

C.M.A.(MD)No.676 of 2014

and

M.P.(MD)No.1 of 2014

Tamil Nadu State Transport
Corporation,
Salem.

... Appellant

Vs.

Nagan @ Nagaraj

... 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.385 of 2004 dated 12.10.2012 on the file of the Motor Accident Claims Tribunal / Sub-Judge, Trichirappalli.

For Appellant : Mr.M.Prakash

For respondent : No appearance



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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. 385 of 2004 dated 12.10.2012 on the file of the Motor Accident Claims Tribunal / Sub-Judge, Trichirappalli.

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:

This is a case of injury. On 19.10.2003 at about 6 hours, the petitioner while going in a bicycle from west to east in Trichy - Salem main road near Gunaseelam bus stop, the TNSTC bus bearing Registration No. TN 28 N 1328 belonging to the respondent, driven by its driver in a rash and negligent manner, suddenly dashed against the petitioner's cycle. As a result of which, he sustained multiple injuries all over the body including head, right shoulder, chest, hip etc., Hence, the petitioner has



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filed a M.C.O.P.No.385 of 2004 before of the Motor Accident Claims Tribunal / Sub-Judge, Trichirappalli, seeking compensation for those injuries. One witness was examined and Ex.P.1 and Ex.P.2 were marked on the side of the petitioner. Neither witness was examined nor documentary evidence was marked on the side of the respondent. The learned Tribunal had framed two issues and after considering the oral and documentary evidence, the 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.15,000/- (Rupees Fifteen Thousand only) as compensation with interest at 7.5% p.a. from the date of petition. Aggrieved by that award, the appellant / The Tamil Nadu State Transport Corporation, Salem 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



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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. Consequently, connected miscellaneous petition is closed.

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.385 of 2004 on the file of the Motor Accident Claims Tribunal / Sub-Judge, Trichirappalli within a period of eight weeks (8) from the date of receipt of copy of this judgment, less the amount, if any already 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.

10.01.2024

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



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To

The Motor Accident Claims Tribunal/
Sub Judge,
Trichirappalli.

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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