



C.M.A(MD)No.665 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2024

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THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.665 of 2016

and

C.M.P.(MD)No.6983 of 2016

The Branch Manager,
Tamil Nadu State Transport Corporation,
Pillai Thanneerandal,
Thirumayam Road,
Pudukkottai.

... Appellant

Vs.

C.Veeraiah

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the judgement and award, dated 19.11.2015, made in M.C.O.P.No.210 of 2011, on the file of the Motor Accident Claims Tribunal, Additional District and Special Court, Pudukkottai.

For Appellant : M/S.A.R.B.Krishnakanth

For Respondent : No appearance

JUDGMENT

The Transport Corporation has preferred this Civil Miscellaneous Appeal.

2. It is a case of injury. The contention of the appellant is that the Exhibit A3 Medical Record states that the injured was under the influence of alcohol.



When this fact was considered by the Tribunal, the Tribunal held that the accident occurred due to influence of the alcohol was not proved by the Transport Corporation.

3. The respondent submitted that except the said medical record, there is no evidence that the injured was under the influence of alcohol and not even in the FIR. But the appellant submitted that the FIR is registered by the wife of the injured and hence she had not stated the said fact.

4. This Court is of the considered opinion when a plea that the injured was under the influence of alcohol was taken, the Tribunal ought to have analyzed the same and ought to have ascertained whether breath analyzer or blood test was taken or not. Without going into such evidences, the Tribunal cannot brush aside the said allegation.

5. Therefore, this Court is inclined to interfere with the compensation that was awarded by the Tribunal. The Tribunal has awarded Rs.1,57,750/- as compensation. This Court is of the considered opinion that Rs.1,25,000/- would be a just and fair compensation. This Court is reducing Rs.32,750/- from the



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compensation awarded by the Tribunal for the allegation that the injured was under the influence of alcohol. Hence, this Court is reducing the compensation awarded by the Tribunal from Rs.1,57,750/- to Rs.1,25,000/-.

6.The appellant Transport Corporation is directed to deposit Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand only) with interest at the rate of 7.5% per annum and costs to the credit of M.C.O.P., on 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 accrued interests and costs, less the amount already withdrawn by him, if any, by filing appropriate application before the Tribunal.

7. With the above said directions, the Civil Miscellaneous Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

05.06.2024

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

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To

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- 1.Motor Accident Claims Tribunal,
Additional District and Special Court,
Pudukkottai.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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