



C.M.A.(MD) No.1145 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

C.M.A.(MD) No.1145 of 2024

and

C.M.P.(MD)No.12059 of 2024

The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Division,
Karaikudi.

... Appellant

Vs.

Syed Ali.

... Respondent

Prayer: Civil Miscellaneous Appeal filed under 173 of the Motor Vehicle Act, 1988, against the order dated 30.08.2011 in M.C.O.P.No.23 of 2010 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Ramanathapuram.

For Appellant : S.Michael Heldon Kumar
For Respondent : No appearance

J U D G M E N T

The instant appeal has been filed challenging the finding on negligence of the Tribunal.



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2. The respondent filed a claim petition stating that on 10.04.2008 at about 11.00 p.m., while he was traveling in a bus bearing registration No.TN-63-N-0857 belonging to the appellant, the driver drove the bus in a rash and negligent manner, as a result of which, he was thrown out of the bus and sustained grievous injuries.

3. The appellant/Transport Corporation filed a counter denying the averments and stated that the respondent had attempted to jump out of the running bus and therefore, fell down and sustained injuries.

4. The respondent/claimant examined himself and the Doctor as P.W.1 and P.W.2, respectively, and marked Exs.P1 to P15. The appellant/Transport Corporation examined the driver of the bus as R.W.1 and did not marked any documents

5. The Tribunal, after taking into consideration the oral and documentary evidence, held that the accident took place due to the rash and negligent driving of the bus driver and directed the appellant to pay the compensation of Rs.2,31,000/-.



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6. The learned counsel for the appellant/Transport Corporation submitted that the finding of the Tribunal on negligence is contrary to the evidence on record and prayed for setting aside the award.

7. The only point for consideration is '*whether the finding on negligence by the Tribunal is justified?*'

8. On perusal of the award, this Court finds that the Tribunal, after taking into consideration the oral evidence of P.W.1, Ex.P1-FIR, Ex.P3-rough sketch, Ex.P5-the report of the Motor Vehicle Inspector and Ex.P6-Charge Sheet filed by the Police against the driver of the bus, held that the accident took place due to the rash and negligent driving of the bus driver. The Tribunal, therefore, disbelieved the evidence of R.W.1-driver of the bus, in the light of the above evidence adduced by the claimant. Hence, this Court is of the view that there is no infirmity in the said finding of negligence. Further, the learned counsel for the appellant/Transport Corporation is unable to point out any infirmity in the quantum of compensation awarded by the Tribunal. Therefore, this Court is of the view that the award of the Tribunal is just and reasonable and no interference is called for. Hence, the compensation awarded by the



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Tribunal has to be confirmed and hence, confirmed.

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9. The appellant/Transport Corporation is directed to deposit the compensation of Rs.2,31,000/- (Rupees Two Lakhs and Thirty One Thousand only) together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of realization (excluding the period of dismissal for default if any) and costs, less the amount already deposited, if any, within a period of four (4) weeks from the date of receipt of a copy of this order.

10. On such deposit, the respondent/claimant is entitled to withdraw the aforesaid amount together with proportionate interest and costs, less the amount already withdrawn, if any, by filing an appropriate application before the Tribunal.

11. In the result, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

03.09.2024

Index: Yes/ No
NCC: Yes / No
Speaking Order / Non-Speaking Order
apd



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To:

1.Motor Accidents Claims Tribunal,
Chief Judicial Magistrate, Ramanathapuram.

2.The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

apd

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