



C.M.A.(MD) No.1130 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2024

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

C.M.A.(MD) No.1130 of 2024

and

C.M.P.(MD)No.11829 of 2024

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Dindigul.

... Appellant

Vs.

Logaraj.

... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicle Act, 1988, to set aside the award dated 13.02.2013 passed in M.C.O.P.No.104 of 2009 on the file of the Motor Accidents Claims Tribunal cum Additional Sub Court, Dindigul.

For Appellant : Mr.K.Sudalaiyandi

For Respondent : Dispensed with



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J U D G M E N T

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The instant appeal has been filed challenging the finding on negligence and the quantum of compensation awarded by the Tribunal.

2. The respondent/claimant filed a claim petition stating that while he was traveling in his two-wheeler, a bus belonging to the appellant/Transport Corporation came in a rash and negligent manner and dashed against the two-wheeler, as a result of which, the respondent sustained grievous injuries.

3. The appellant/Transport Corporation filed a counter denying the averments and stated that the accident took place only due to the negligence of the claimant/respondent.

4. The claimant/respondent examined himself as P.W.1 and another witness, namely, Dr.Vijayakumaran as P.W.2 and marked Exs.P1 to P6. The appellant/Transport Corporation neither examined any witnesses nor marked any documents.



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5. The Tribunal, after taking into consideration the oral and documentary evidence, awarded the total compensation of Rs.90,000/- under various heads.

6. The learned counsel for the appellant/Transport Corporation submitted that the finding on negligence is erroneous and that the compensation awarded by the Tribunal is excessive.

7. The points for consideration are as follows:

‘a. Whether the Tribunal was right in holding that the appellant/Transport Corporation is liable to pay the compensation?’

b. Whether the compensation awarded by the Tribunal is just and reasonable?’

8. As regards the first question, it is seen that, admittedly, the appellant/Transport Corporation has not examined any witnesses and not established that the respondent/claimant was guilty of negligence. On the other hand, the respondent had examined himself as P.W.1 and marked the First Information Report as Ex.P1 and other documents to corroborate his version. In such circumstances, the finding of the Tribunal holding



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that the driver of the appellant/Transport Corporation is guilty of negligence, is in accordance with law.

9. As regards the quantum of compensation, it is seen that the claimant/respondent had produced Ex.P2-Wound Certificate, Ex.P3-Discharge Summary, and Ex.P6-Disability Certificate, which would show that he had suffered 28% disability. The nature of injuries and medical records produced by the respondent/claimant would show that he had sustained fracture in the femur bone, collar bone, and other parts of the body. Therefore, this Court is of the view that the award of the Tribunal of Rs.90,000/- towards disability and under other conventional heads is just and reasonable and no interference is called for. Therefore, the award of the Tribunal is confirmed.

10. In view of the above, the appellant/Insurance Company shall deposit the compensation of Rs.90,000/- (Rupees Ninety Thousand only) with the interest @ 7.5% p.a., 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.



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

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

30.08.2024

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

To:

1. Motor Accidents Claims Tribunal cum Additional Sub Judge,
Dindigul.

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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