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C.M.A.No.3555 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.3555 of 2024

And

C.M.P.No.30043 of 2024

The Managing Director
Tamil Nadu State Transport Corporation Limited,
Thiruvannamalai. ... Appellant

Vs.

Arulprakash ... Respondent

Prayer:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree dated 21.09.2022 passed in M.C.O.P.No.311 of 2018 by the Motor Accidents Claims Tribunal Subordinate Judge, Gingee, by allowing this civil miscellaneous appeal.

For Appellant : Mr.R.Venkatesaperumal

J U D G M E N T

This appeal has been filed against the judgment and decree dated 21.09.2022 passed by the Motor Accidents Claims Tribunal Subordinate Judge, Gingee, in M.C.O.P.No.311 of 2018.



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2.The learned counsel appearing for the appellant submitted that the respondent claimant filed claim petition before the Motor Accidents Claims Tribunal, claiming compensation of Rs.15 Lakhs alleging that on 08.03.2018 at about 19.30 hours, when the respondent was going in the motorcycle near Salavathi Over Bridge, the driver of the bus bearing Registration No.TN-25-N-0412 applied sudden brake, due to which, the motorcycle dashed on the bus and the respondent sustained injuries. After adjudication, the Tribunal awarded a sum of Rs.1,85,194/- as compensation to the claimant along with interest at 7.5% p.a. from the date of petition till the date of deposit with costs and directed the appellant to deposit the amount.

3.The learned counsel appearing for the appellant further submitted that at the time of accident, the respondent drove the vehicle under the influence of alcohol and dashed on the rear side of the bus, however, the Tribunal fastened the entire liability as against the appellant which is not sustainable one and further submitted that the amount awarded as compensation is also on the higher side.

4.Heard the learned counsel appearing for the appellant and

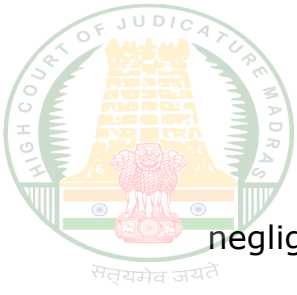


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perused the materials available on record. Since this Court is not inclined to pass any adverse order as against the respondent, notice to the respondent is dispensed with.

5.In order to prove the case, the respondent claimant examined himself as P.W.1 and marked exhibits Ex.P.1 to Ex.P.4 and the appellant Transport Corporation examined one witness R.W.1, however, marked no exhibit.

6.Ex.P.1 – F.I.R. has been marked against the driver of the bus belonging to the appellant. Even a bare perusal of the counter affidavit filed by the appellant before the Tribunal reveals that when the bus was proceeding towards Tiruvannamalai near Tindivanam Tiruvannamalai College Bypass Overbridge, the driver of the bus belonging to the Transport Corporation suddenly stopped the bus on seeing a lorry coming in the opposite direction with sugarcane load. At that time, the two wheeler having additional wheel meant for physically challenged person dashed against the rear side of the bus. Though the appellant examined the driver of the bus as R.W.1, the appellant did not examine any independent eye witness. Without examining any independent eye witness, the appellant questioning the



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negligence aspect is not sustainable one.

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7.Insofar as the quantum of compensation is concerned, the Tribunal after considering all the factual aspects, awarded compensation which is just and reasonable and the same warrants no interference.

8.The civil miscellaneous appeal is dismissed. The judgment and decree dated 21.09.2022 passed by the Motor Accidents Claims Tribunal, Subordinate Judge, Gingee, in M.C.O.P.No.311 of 2018, is confirmed. No costs. Consequently, the connected miscellaneous petition is closed.

07.01.2025

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Motor Accidents Claims Tribunal,
Subordinate Judge, Gingee.

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