

(2006) 08 MAD CK 0146
In the Madras High Court

Tamil Nadu State Transport Corporation Ltd.

APPELLANT

Vs

Subathal and Others

RESPONDENT

Date of Decision : 23-08-2006

Acts Referred:

Citation : (2007) 1 ACC 481

Hon'ble Judges : P. Sathasivam, J

Bench : Single Bench

Judgement

P. Sathasivam, J.—This Civil Miscellaneous Appeal is directed against the award of the Motor Accident Claims Tribunal dated 14.3.2005 made in M.C.O.P. No. 511 of 2000.

2. The respondents 1 to 6 herein claimants prayed for a compensation of Rs. 5,00,000 in respect of death of one Nanjappa Grounder who died in a road accident that took place on 6.2.2000. The Tribunal, on appreciation of oral and documentary evidence and after finding that the driver of the Transport Corporation was negligent, passed an award for Rs. 1,20,500. Questioning the same, the Transport Corporation has filed this appeal.

3. The learned Counsel appearing for the appellant fairly states that they are mainly aggrieved only with regard to finding relating to negligence. In such circumstances, it is unnecessary to go into other aspects.

4. It is the case of the claimants that while the deceased was getting down from the bus, the conductor without noticing him gave whistle, thereby, the driver started the bus, due to which the deceased fell down and sustained fatal injury. In support of their stand, P.Ws. 1 and 2 were examined. On the side of the Transport Corporation, the driver and the conductor were examined as R. Ws. 1 and 2. While giving evidence, R.W. 1 has stated that immediately after the accident, he made a complaint to the police. Admittedly, no such complaint was produced before the Court. On the other hand, the complaint produced on the side of the claimants which has been marked as Ex. P. 1, supports the case of the

claimants. Among the evidence of P.Ws. 1 and 2, the Tribunal accepted the evidence of P.W. 2 and rejected the defence taken by the respondents, namely, that the deceased died due to high Blood Pressure.

5. Considering the earliest report Ex. PI and the evidence of eye-witness P.W. 2, I am in agreement with the factual conclusion arrived at by the Tribunal and there is no valid ground for entertaining the appeal. The appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.