

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2015

C O R A M

THE HONOURABLE Ms.JUSTICE K.B.K.VASUKI

C.M.A.No.1698 of 2015

and

M.P.No.1 of 2015

The Managing Director
Tamil Nadu State Transport Corporation Ltd.
No.3/137, Salamedu,
Vazhudareddy, Villupuram Division,Villupuram.

...Appellant/3rd Respondent

Vs.

1. T.Dhanapal
2. Kumar Raja
3. United India Insurance Company Ltd.,
rep. by its Divisional Officer,
Motor Third Party Cell,
No.38, Anna Salai, Chennai - 600 002.

... Respondents/Petitioner and Respondents 1 & 2

PRAYER: Civil Miscellaneous Appeal filed against the judgment and decree, dated 14.09.2011, passed in M.C.O.P.No.14 of 2006, on the file of the Motor Accident Claims Tribunal, Additional Subordinate Judge, Chenglepet.

For Appellant : Mr.S.Sairaman
For Respondent-3 : Mr.J.Chandran

JUDGEMENT

The third respondent/State Transport Corporation before the Tribunal is the appellant herein. Notice is taken on behalf of the third respondent/Insurer of the other vehicle.

2. This Appeal is filed against the award of compensation of Rs.3,12,060/- to one T.Dhanapal, who is the injured in the accident involving the Bus owned by the appellant/State Transport Corporation and the Lorry belonging to the second respondent, insured with the third respondent/Insurance Company.

3. The Tribunal, having found that the drivers of both Vehicles equally contributed to the cause of the accident, apportioned the liability between the owners of the vehicles, and directed the third respondent/Insurer, on behalf of the second respondent/owner, and the appellant/State Transport Corporation to pay the compensation amount of Rs.3,12,060/- with interest at the rate of 7.5% in equal shares.

4. The learned counsel for the appellant/State Transport Corporation has sought to question the correctness of the impugned award on the ground of liability. According to him, the Tribunal erred in fastening the liability on the drivers of both Vehicles, without any basis. Whereas, this Court, on going through the order of the Tribunal, is of the view that the Tribunal found so, only after due appreciation and analyzing the oral and documentary evidence, and such findings, based on sufficient materials and supported by proper reasonings, cannot be found fault with. As there is no grievance raised against the quantum of compensation awarded, this Court is not inclined to interfere with the impugned award of the Tribunal. The Civil Miscellaneous Appeal is, hence, liable to be dismissed at the admission stage itself.

5. The Civil Miscellaneous Appeal is dismissed. Time for deposit of the entire award amount is four weeks from the date of receipt of a copy of this judgment. On such deposit, the claimant is permitted to withdraw the entire amount by filing necessary Cheque Petition before the Tribunal. Consequently, connected Miscellaneous Petitions are closed. No costs.

sd/-
ASSISTANT REGISTRAR(CO)

/ TRUE COPY /

SUB-ASSISTANT REGISTRAR

sd

To

The Motor Accident Claims Tribunal/
Additional Subordinate Judge, Chenglepet.

+1 CC to Mr.J.Chandran Advocate. SR.NO. 41054
+1 CC to Mr.S.Sairaman Advocate. SR.NO. 40533

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CO-CA
JD 15/10/2015