

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2015

Coram:

THE HONOURABLE Mrs.JUSTICE ARUNA JAGADEESAN

**C.R.P.(NPD).No.1312 of 2011
and
M.P.No.1 of 2011**

M/s. Royal Sundaram Alliance
Insurance company Ltd.,
No.46, Whites Road,
Chennai – 600 014

.. Petitioner

Vs.

1. S.Alamelu
2. S.Sriprabhu
3. Minor S.Rajeskanna
4. The Managing Director,
Tamil Nadu State Transport
Corporation Limitation,
Trichy-1.
5. Tamilselvan
(R5 set exparte in Lower Court)

.. Respondents

Prayer

Civil Revision Petition filed under Article 227 of the Constitution of India against the docket order dated 25.08.2010 in I.A.No.635 of 2010 in M.C.O.P.No.1038 of 2005 on the file of Motor Accident Claims Tribunal (Additional District Judge) at Salem.

For Petitioner : Mrs.R.Sreevidhya
For Respondent : Mr.Ma.P.Thangavel
for R1 to R3
R5 – set exparte.

ORDER

This civil revision petition is filed against the order passed by the Motor Accident Claims Tribunal (Additional District Judge) at Salem, dated 25.08.2010 in I.A.No.635 of 2010 in M.C.O.P.No.1038 of 2005, refusing to amend the decree passed by the Tribunal.

2. In the said judgment, though the Tribunal has come to the conclusion that the driver of the Transport Corporation bus was wholly responsible for the accident and exonerated the owner and the insurer of the two wheeler from its liability, however, in the decree, it has been wrongly directed that the owner as well as the Insurance Company of the two wheeler are jointly liable along with the Transport Corporation.

3. Pointing out the above mistake, the Insurance Company filed an application before the Motor Accident Claims Tribunal, but the same was dismissed. As against which, the present civil revision petition has been filed.

4. It is brought to the notice of this Court that the Insurance Company filed an appeal as against the decree passed in

M.C.O.P.No.1038 of 2005 in C.M.A.No.2615 of 2011 and this Court, by order, dated 29.08.2013, allowed the appeal, wherein it has been observed as follows:

"11. As rightly pointed out by the learned counsel for the appellant/Insurance Company, the tribunal has held that the driver of the bus was negligent. However, while concluding the judgment, it has been stated that the rider of the motor cycle was also equally negligent, which is wrong. The transport Corporation has not let in any evidence. Negligence proved by the claimant is only on the part of the driver of the bus and the entire liability has been fixed against the transport Corporation."

5. In view of the judgment passed by this Court directing the Transport Corporation to deposit the entire amount and exonerating the Insurance Company and the insured of the two wheeler from its liability, nothing survives in this revision. Accordingly, the civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

12.02.2015

Index:Yes/No
Internet:Yes/No
vsi

ARUNA JAGADEESAN.,J.

Vsi

To

The Additional District Judge,
Motor Accident Claims Tribunal,
Salem.

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