

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2017

C O R A M

THE HONOURABLE Mr.JUSTICE **D.KRISHNAKUMAR**

C.R.P.N.P.D.Nos.2004, 2005 and 2006 of 2014
and M.P.Nos.1, 1 and 1 of 2014

The Managing Director
Tamil Nadu State Transport
Corporation,
No.12, Ramakrishna Road, Salem

.. Petitioner in C.R.P.Nos. 2004 to 2006 of 2014

-Vs.-

1. Elumalai ...1st respondent in C.R.P.No.2004 of 2014

1. Visalakshi ...1st respondent in C.R.P.No.2005 of 2014

1. Sivagnanam ...1st respondent in C.R.P.No.2006 of 2014

2. The Managing Director
Karnataka State Road Transport
Corporation,
Sickbelpur Division, Sickbelpur,
Bangalore, Karnataka State .. 2nd Respondent in all C.R.Ps

Civil Revision Petitions filed under Section 115 of C.P.C against the judgment and decree dated 26.07.2013 made in M.C.O.P.No.343 of 2011, M.C.O.P.No.344 of 2011 and M.C.O.P.No.345 of 2011 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Tiruvannamalai.

For petitioner ... Mr.D.Venkatachalam
in all C.R.Ps

For Respondent-2 ... Mr.T.Thiyagarajan
in all C.R.Ps

C O M M O N O R D E R

These revision petitions are preferred against the common order dated 26.07.2013 made in M.C.O.P.No.343 of 2011, M.C.O.P.No.344 of 2011 and M.C.O.P.No.345 of 2011 respectively on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Tiruvannamalai.

2. The first respondent in all petitions herein have filed the claim petitions before the Motor Accident Claims Tribunal, Thiruvannamalai. In all the claim petitions, Karnataka State Road Transport Corporation, Bangalore is the first respondent and the Tamil Nadu State Transport Corporation, Salem is the second respondent. Opposing the claim petitions, the Karnataka State Road Transport Corporation submitted that when the Tamil Nadu State Transport Corporation-bus, which came in the opposite direction, attempted to overtake a lorry, the driver of the Karnataka Transport-bus, honked the horn. But, due to rash and negligent driving, the

Tamil Nadu State Transport Corporation-bus tyre got burst and unable to control the same, it dashed against the Karnataka State Road Transport Corporation bus and thus, the accident occurred. After considering the oral and documentary evidence, the Tribunal has fixed the negligence against both the Transport Corporations. Against which, the present appeals have been filed.

3. The present case on hand is also similar to the case in M.C.O.P.No.318 of 2011 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Thiruvannamalai. In the aforesaid O.P, the Tribunal has fixed contributory negligence against both the Corporations by fixing 50% of the liability against the respective Corporations. Against the order passed by the Tribunal, Karnataka State Road Transport Corporation, Bangalore filed the appeals in C.M.A.No.1788 to 1793 of 2014. By judgment dated 30.06.2014, this Court has dismissed the appeals by fixing the contributory negligence against both the Corporations.

4. Following the above decision rendered by this Court in C.M.A.No.1788 to 1793 of 2014 dated 30.06.2014, this Court dismissed the similar appeals filed against M.C.O.P.Nos.311, 314, 315 and 327 of 2011 in C.R.P.(NPD)Nos.3210 to 3213 of 2014 on

05.01.2017. It is useful to extract the relevant portion in para 4 and 5, which are as follows:-

4. *At the time of arguments, both sides fairly conceded in this case that the accident is a head-on-collision of both the transport vehicles. Challenging the same, the claimant has filed claim petition and in that award has been now passed, against which, Civil Miscellaneous Appeal has been filed before this Court, in which, this Court by judgment dated 30.06.2014, upheld the award of the Tribunal. It is stated that both the Transport Corporations are ready to pay the 50% each, as confirmed by this Court in the said appeal, against which no one has preferred any further appeal. It is further stated that the issue raised in these C.R.Ps is covered by a judgment rendered by this Court reported in CDJ 2014 MHC 3705 [The Managing Director, Karnataka State Road Transport Corporation Limited, Banaglore Central Division versus Minor Jagadeesan (Represented by his next friend and National father Mr.Dhandapani) and Another)]. Hence both counsel wants to confirm the award.*

5. *Considering the above said decision of this Court reported in CDJ 2014 MHC 3705 (cited supra), in which also, the negligence for both the Transport Corporations have been fixed at 50% each and the compensation was also awarded therein,*

thereby, the award passed by the Tribunal was confirmed by this Court.

5. In view of the facts as well as the decisions cited supra, the Civil Revision Petitions are dismissed. It is open to the claimants to file appropriate application to withdraw the deposited amount awarded by the Tribunal. No costs. Consequently, connected miscellaneous petitions are closed.

10.03.2017

srn

To

The Chief Judicial Magistrate,
Motor Accident Claims Tribunal,
Thiruvannamalai.

D.KRISHNAKUMAR.J

srn

C.R.P.N.P.D.Nos.2004, 2005 and 2006 of 2014
and M.P.Nos.1, 1 and 1 of 2014

10.03.2017

<http://www.judis.nic.in>