

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD)No.1542 of 2008
& M.P.No.1 of 2008

The Divisional Manager
National Insurance Co. Ltd.,
No.19, Officers Line,
Vellore.

... Petitioner

Vs.

1.Paneerselvam
2.The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram.
3.Mugil Vannan
Respondents

...

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the judgment and decree dated 14.10.2004 made in MACTOP No.557 of 2004 on the file of the Motor Accident Claims Tribunal, Thiruvannamalai (Addl. Sub Judge).

For Petitioners : Mr.S.Vadivel

For Respondents : Batta due for R1
Mr.S.S.Swaminathan for R2
No appearance for R3

ORDER

This Civil Revision Petition has been filed against the

judgment and decree dated 14.10.2004 made I n MACTOP No.557 of 2004 on the file of the Motor Accident Claims Tribunal, Thiruvannamalai (Addl. Sub Judge).

2. The petitioner is the third respondent, the first respondent is the petitioner and the respondents 2 and 3 are the respondents 1 & 2 in MACTOP No.557 of 2004 filed before the Motor Accident Claims Tribunal, Thiruvannamalai. The first respondent / claimant filed the above said MACTOP claiming a sum of Rs.10,000/- as compensation for the injuries sustained by him in the accident occurred on 23.07.2003. According to the first respondent, while he was travelling in the bus belonging to the second respondent, the driver of the bus drove the same in a rash and negligent manner and dashed against the bus belonging to the third respondent, insured with the petitioner and caused the accident. In the said accident, the first respondent sustained injuries and hence claimed Rs.10,000/- as compensation. FIR was registered against the driver of the second respondent/transport corporation bus.

3. The second respondent filed counter and submitted that the driver of the bus belonging to the second respondent stopped

the same to alight the passengers and at that time, a bullock-cart coming in the opposite direction, suddenly came towards the bus and in order to avoid the accident, the driver turned the bus in the right hand side and at that time, the bus belonging to the third respondent, driven in a rash and negligent manner, dashed against the bus belonging to the second respondent and caused the accident.

4. The third respondent filed counter and submitted that only due to the rash and negligent driving of the driver of the bus belonging to the second respondent, accident occurred and therefore, the third respondent is not liable to pay any compensation to the first respondent. In any event, the petitioner as insurer of the third respondent bus is only liable to pay the compensation.

5. The petitioner filed separate counter statement and submitted that the petitioner is not the insurer of the vehicle belonging to the third respondent and therefore, he is not liable to pay any compensation. Before the Tribunal, the first respondent examined himself as PW1 and marked four documents as Exs.P1 to P4. The respondents did not let in any oral or documentary

evidence. The Tribunal, considering the pleadings, oral and documentary evidence of PW1, held that drivers of both the buses belonging to the second and third respondents are responsible for the accident and directed the petitioner and respondents 2 and 3 to jointly and severally pay a sum of Rs.3,000/- as compensation to the first respondent alongwith interest.

6. Against the said order dated 14.10.2004 passed in MACTOP No.557 of 2004, the present Civil Revision Petition has been filed.

7. Heard the learned counsel for the petitioner as well as the 2nd respondent and perused the materials available on record.

8. The contention of the learned counsel for the petitioner that the petitioner is not the insurer of the vehicle belonging to the third respondent is not substantiated by letting in any oral or documentary evidence. Hence, the Tribunal held that two vehicles involved in the accident and drivers of both the vehicles are responsible for the accident and directed the petitioner as well as the respondents 2 & 3 to jointly pay the compensation. The said finding is by appreciating the evidence

let in by the first respondent. Therefore, there is no irregularity or illegality in the order passed by the Tribunal,

warranting interference by this Court.

7. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

26.07.2017

Index : Yes/No
rgr

To

The Additional Subordinate Judge,
Motor Accident Claims Tribunal,
Thiruvannamalai.

V.M.VELUMANI, J.
rgr

CRP (NPD) No.1542 of 2008

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