

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD)No.15 of 2004
& C.M.P.No1999 of 2004

The Managing Director
Tamil Nadu State Transport Corporation
Villupuram Division I Ltd.,
Villupuram

.. Petitioner

Vs.

1. Chandira
2. Shanthi
3. The New India Assurance Co. Ltd.,
Ist floor, State Bank of Mysore Building,
44-47 Oppanakara Street,
Coimbatore 641 001

.. Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 12.11.2002 in M.C.O.P.No.438/96 on the file of Motor Accidents Claims Tribunal (Principal District Judge) Villupuram.

For Petitioner : Mr.M.G.Muniratnam

For R1 : Mr.M.Manivel

ORDER

Civil revision petition has been filed against the fair and decreetal order dated 12.11.2002 in M.C.O.P.No.438/96 on the file of Motor Accidents Claims Tribunal (Principal District Judge) Villupuram.

2. The petitioner is the first respondent, first respondent is the petitioner and respondents 2 & 3 are the respondents 2 & 3 in M.C.O.P.No.438 of 1996 on the file of Motor Accidents Claims Tribunal (Principal District Judge) Villupuram. The 1st respondent filed the said claim petition, claiming a sum of Rs.25,000/- as compensation.

3. According to the 1st respondent, while she was travelling in a bus TPTC bearing Reg.No.TN.31.N0121, belonging to the petitioner herein on 22.05.1994, at about 2.15 a.m, a lorry bearing Reg.No.TN.V.1296 belonging to the 2nd respondent, insured with 3rd respondent was coming in the opposite direction dashed against the bus. Due to rash and negligent driving by the driver of the lorry, an accident occurred, in which the first respondent suffered injuries.

4. The petitioner and 3rd respondent filed separate counter statement and blamed the drivers of other vehicles.

5. A joint trial was held in respect of the claim petition filed by the claimants. Before the Tribunal, on behalf of the claimants, the first respondent, the doctor and other claimants were examined as PW1 to 5 and

marked 14 documents. On behalf of the petitioner and respondents 2 and 3, RW1 was examined and they did not mark any document.

6. The Tribunal, considering the pleadings, oral and documentary evidence, came to the conclusion that the accident had occurred only due to the rash and negligent driving by the drivers of the both bus belonging to the petitioner and the lorry belonging to the 3rd respondent and considering the evidence of doctor and wounds certificate, awarded a sum of Rs.8,000/- as compensation and directed the petitioner to pay 50% of the compensation fixed to the 1st respondent and respondents 2 & 3 to pay the remaining 50% of the awarded amount.

7. Against the order dated 12.11.2002, made in M.C.O.P.No.438/1996, the present civil revision petition has been filed by the petitioner.

8. Heard the learned counsel appearing for both the parties and perused the materials on record.

9. From the materials on record, it is seen that the 1st respondent and other claimants have stated that the accident had occurred only due to rash and negligent driving by the drivers of both the vehicles. In view of the

evidence of eye-witness, the contention of the petitioner that First Information Report was lodged only as against the driver of the lorry is without merits. Further, the driver of the bus belonging to the petitioner deposed that he was acquitted in the criminal case. This shows that criminal proceedings were initiated against the driver of the bus belonging to the petitioner also. The finding of the criminal Court is not binding on the Tribunal. The Tribunal, considering the pleadings and evidence has held that the drivers of both the vehicles are responsible for the accident and given a valid reason for the same. Further, this Court holds that the amount awarded is only a just compensation.

10. In the circumstances, there is no reason warranting interference by this Court with the order of the learned Judge dated 12.11.2002. The Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

14.07.2017

gsa
Index: Yes/No
Internet: Yes/No

To

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3. The Principal Subordinate Judge
Villupuram.

V.M.VELUMANI,J.

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