

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 27.01.2017

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

C.M.A.Nos.3555 to 3557 of 2013
M.P.Nos.1 to 1 of 2013

The Managing Director,
Tamil Nadu State Transport Corporation,
(Villupuram-III) Limited,
Kancipuram Region,
Kanchipuram.

...Appellant in All C.M.As.
(Respondent)

Vs.

R.Kathiravan ...Respondent in C.M.No.3555 of 2013
(Claimant)
E.Palani ...Respondent in C.M.No.3556 of 2013
(Claimant)
R.Arul ...Respondent in C.M.No.3557 of 2013
(Claimant)

Prayer:- Civil Miscellaneous Appeals have filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and award dated 28.03.2013 passed in M.C.O.P.No.1801 of 2010, 1802/10,1803/10 respectively on the file of the Motor Accidents Claims Tribunal (Iv Court of Small Causes), Chennai.

For Appellant : Mr.K.J.Sivakumar
(in all C.M.As.)

For Respondent : Mr.S.T.Varadarajulu
(in all C.M.As.)

JUDGMENT

These three appeals were filed by the State Transport Corporation and they arise out of a common award passed by the Tribunal in connection with claim petitions that arise out of an accident that had taken place on 16.07.2009.

2. The bus bearing Registration No.TN-21-N-0933 admittedly belong to the appellant, and at the relevant time it was under maintenance in garage. During the process of maintenance, the vehicle was driven by one of the employees of the appellant and who, while driving it, has hit three other employees of the Corporation, owing to which all of them suffered injuries and they moved the Tribunal seeking compensation.

3. Before the Tribunal, the Corporation has taken up a plea that the vehicle was parked at the relevant time and suddenly due to the mechanical fault it began to move and hit the three employees which, it claims to have an act of God.

4. The records of the lower Court was not received yet. However, when I heard the learned counsel for the appellant also perused the materials on record which are necessary for appreciating the defence taken by the appellant and I proceeded to dispose of the matters.

5. The argument for the appellant, to say the least is one straight from horror films or fictions and is an amazingly amusing plea one can ever hear in a Court room: Here is a stationary vehicle and for reasons that only it knows, it suddenly gets started and began to move. However, the Tribunal found that another trainee driver has taken the vehicle and it was his negligence that has caused the accident and it saved the day for law of negligence as we know in this Country. When the factum of the accident is thus stand proved there is nothing survives to be considered. Reading of the materials indicate that the State Transport Corporation appears to be overly defensive in defending such cases and waste public money in litigations where there is hardly any material or merit to advance.

6. I therefore find no merit in any of these appeals and accordingly I dismiss these appeals but without costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

kmi
To

सत्यमेव जयते Sub Assistant Registrar

1. The IV Court of Small Causes,
Motor Accidents Claims Tribunal,
Chennai.
2. The Section Officer,
V.R.Section, High Court, Madras.

+3cc to Mr.S.T.Varadarajulu, Advocate, S.R.No.5317
+3cc to Mr.K.J.Sivakumar, Advocate, S.R.No.5469

SV(CO)
RS(09/03/2017)

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