

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.No.1752 of 2001  
& C.M.P.No.9653 of 2001

The Managing Director  
Tamilnadu State Transport  
Corporation Ltd., Kumbakonam .. Petitioner

Vs.

1. Selvi
2. Shanthi
3. The United India Insurance Co. Ltd.,  
No.91, Kamaraj Salai, Madurai. .. Respondents

PRAYER: Civil Revision Petition filed Under Article 227 of the Constitution of India against the Judgment and Decree dated 06.01.2000 made in MACT.O.P.No.377 of 1999 on the file of the Motor Accident Claims Tribunal ( Principal District Judge), Nagapattinam.

For Petitioner : Mr.M.Krishnamoorthy

For Respondents : No appearance

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order dated 06.01.2000 made in M.C.O.P.No.377 of 1999 on the file of the Motor Accident Claims Tribunal ( Principal District Judge), Nagapattinam.

2. The petitioner Transport Corporation is the first respondent in claim petition M.A.C.T.O.P.No.377 of 1999. The first respondent is the claimant, respondents 2 and 3 are the respondents 2 and 3 in the claim petition. The first respondent filed the said M.A.C.T.O.P.No.377 of 1999, claiming compensation of Rs.50,000/- for the injury suffered by her in the accident that occurred on 17.06.1998.

3. According to the first respondent, she along with others were travelling in the bus, belonging to the petitioner on 17.06.1998. The driver of the bus drove the bus in a rash and negligent manner and dashed against the stationed bus belonging to the second respondent, insured with the third respondent.

4. According to the first respondent, accident occurred due to rash and negligent driving by the driver of the bus, belonging to the petitioner corporation. The second respondent remained exparte. The petitioner and third respondent filed separate counter, blaming the drivers of other bus.

5. Before the Tribunal, the first respondent and other claimant in M.A.C.T.O.P.No.378 of 1999 and one Doctor Rajagopal were examined as PW1 to PW3 and marked 13 documents as Ex.B1 to Ex.B13. The petitioner and third respondent did not let in any oral and documentary evidence. The Tribunal, considering the pleadings, oral and documentary evidence, came to the conclusion that accident occurred only due to rash and negligent driving by the driver of the bus, belonging to the petitioner corporation and considering the nature of the injury suffered by the first respondent, awarded a sum of Rs.5,000/- as compensation.

6. Against the said order dated 06.01.2000, made in M.A.C.T.O.P.No.377 of 1999, the present civil revision petition is filed by the petitioner.

7. Heard the learned counsel appearing for the petitioner and perused the materials on record. Though notice was served on the respondents and their names were printed in the cause list, there is no representation either in person or through the counsel.

8. From the materials on record, it is seen that in the counter affidavit, it has been admitted that though the driver of the bus belonging to the petitioner Corporation applied brake, the bus dashed against the other bus. The petitioner did not let in any evidence to show that accident occurred only due to rash and negligent driving by the driver of the other bus Or driver of other bus also has contributed to the accident.

9. The Tribunal, appreciating the pleadings, oral and documentary evidence, has given a finding that accident occurred only due to rash and negligent driving by the driver of the bus belonging to the petitioner Corporation.

10. The learned Judge considering all the materials available on record, dismissed the application by giving cogent and valid reasons. In these circumstances, there is no

illegality or irregularity warranting interference by this Court with the order of the learned trial Judge, dated 06.01.2000.

11. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gsa

To

1. The Managing Director,  
Tamilnadu State Transport Corporation Ltd.,  
Kumbakonam.
  2. The Principal District Judge, Nagapattinam.
- +1cc to M/s.M.Krishnamoorthy, Advocate, S.R.No.52340

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RR(CO)  
CU(23/08/2017)

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