

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2017

CORAM : THE HONOURABLE Mr. JUSTICE N.SESHASAYEE

CMA.Nos.957 of 2004 & 1410 of 2008
and
MP.No.1 of 2008 in CMA.No.1410 of 2008

CMA.No.957 of 2004 :

The Managing Director,

Tamil Nadu State Transport Corporation

(Villupuram Division II) Ltd.,

Vellore.

... Appellant/3rd Respondent

Vs.

1.Thangaraj

...1st respondent/Petitioner

2.Manoranjitham

3.The Branch Manager.

United India Insurance Company Limited,

Branch Office,

No.8/10, Skur Market,

Mettur Dam.

(R2 - Given up)

... 2nd & 3rd Respondents/Respondednts 5

CMA.No.1410 of 2008:

The Managing Director,

Tamil Nadu State Transport Corporation

(Villupuram Division II) Ltd.,

Vellore, North Arcot District.

...Appellant/3rd Respondent

Vs.

1.Radha

...1st Respondent/Petitioner

2.Manoranjitham

3.The Branch Manager.

United India Insurance Company Limited,

Branch Office,

No.8/10, Skuvar Market,

Mettur Dam.

(R2 - Given up)

...2nd & 3rd Respondent/Respondent

Common Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the decree and judgment dated 29.08.2003 made in MCOP.No.281 of 2000 and MCOP.No.907 of 2000 on the file of the Motor Accident Claims Tribunal (I Additional District Judge), Krishnagiri, Dharmapuri District.

For Appellant :Mr.G.Muniratnam
(in both CMAs)

For Respondents :Mr.T.Ravichandran for R3
(in both CMAs) Mr. Mukund R.Pandian for R1
R2 - Given up

COMMON JUDGMENT

These twin appeal arise out of two separate claim petitions filed seeking compensation for the injuries suffered in a road accident involving a bus belonging to the appellant Corporation and a lorry driven by the first respondent. The accident had taken place on 20.01.2000 at about 3.30 p.m. and both the vehicles said to have collided head-on, in which the claimants, who are travelling as passengers in the bus had suffered injuries. In MCOP.No. 281 of 2000 from which CMA.No.957 of 2004 arises, the claimant has made a claim for Rs.1,50,000/-, against which an award for Rs.1,06,100/- with interest @ 9% per annum was passed. In MCOP.No.907 of 2000 from which CMA.No.1410 of 2008 arises, the claimant has made a claim for Rs.50,000/-, whereas an award for Rs.13,500/- was passed by the Tribunal. The Tribunal in its award has found that the drivers of both the vehicles involved in the accident have contributed in equal terms for the occurrence of the accident and accordingly apportioned the liability @ 50% each.

2. Before this Court, the learned counsel for the appellant submitted that the Trial Court ought to have found that the offending vehicle was the lorry and it was its driver's negligence that has resulted in the accident and that the Tribunal has not appreciated the evidence of the aspect adequately.

3. On a perusal of records, I find that the Tribunal has considered the available evidence regarding the negligence of the driver only meticulously and has rightly fixed equal responsibility on both the drivers of the vehicles for the occurrence of the accident. I do not find any material to interfere with the finding of the Tribunal.

4. In the result, I do not find any merit in the appeals

and the same are dismissed without costs. I therefore, confirm the award passed by the Tribunal and accordingly both the appellant-Transport Corporation and Insurance Company are directed to comply with the order of the Tribunal within four weeks from the date of receipt of a copy of this order and thereupon the claimants are permitted to receive the award amount forthwith. Consequently, connected miscellaneous petition is closed.

sd/
Assistant Registrar

/true copy/

Sub Assistant Registrar

To:

1.The Motor Accidents Claims Tribunal,
I Additional District Judge,
Krishnagiri, Dharmapuri District.

+2cc to Mr.T.Ravichandran, Advocate SR.No.600
+1cc to Mr.Munirathnam, Advocate SR.No.554
+1cc to Mr.Muhund R.Pandian, Advocate SR.No.682

Copy to
The Section Officer,
VR Section, High Court, Madras.104

सत्यमेव जयते

CMA.No.957 of 2004 &
CMA.No.1410 of 2008

PPA(CO)
GN(03/03/2017)

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