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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.10.2017
CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**C.M.A. (MD) Nos.910 and 911 of 2015
and
M.P. (MD) No.1 of 2015**

The Divisional Manager,
M/s.United India Insurance Co, Ltd.,
7A, West Veli Street,
Madurai & District.

... Appellant/3rd Respondent
(in the both Appeals)

vs.

1.Mrs.K.Ramalakshmi

...1st Respondent/Petitioner

2.The Managing Director,
Tamil Nadu Government Transport Corporation,
Bi-pass Road, Madurai Division,
Madurai & District.

3.Mr.Haridass

...2 & 3 Respondents/1 & 2
Respondents
in C.M.A. (MD) No. 910 of 2015

1.Mrs.K.Valarmathi

...1st Respondent/Petitioner

2.The Managing Director,
Tamil Nadu Government Transport Corporation,
Bi-pass Road, Madurai Division,
Madurai & District.

3.Mr.Haridass

...2 & 3 Respondents/1 & 2
Respondents
in C.M.A. (MD) No. 911 of 2015

Prayer: Appeals filed under 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 30.10.2013 made in M.C.O.P.No.422 of 2012 and M.C.O.P.(MD) No.423 of 2012 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate Court), Madurai.

For Appellant	: Mr.B.Rajesh Saravanan (in both Appeals)
For R1	: No Appearance
For R2	: Mr.P.Prabhakaran
For R3	: Given up (in both Appeals)

JUDGMENT

The United India Insurance Company filed these appeals questioning the findings on negligence by the Tribunal.

2. It is the case of accident involving the lorry insured by the appellant insurance company and the bus belonging to the second respondent transport corporation. The accident had taken place at a junction. The lorry came from a perpendicular direction and hit the bus on the foot board of the front side. The lorry driver died. Therefore the FIR came to be registered against the driver of the Transport Corporation.

3. The injured passengers had filed the M.C.O.P.Nos.422 and 423 of 2012 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate Court), Madurai. The Tribunal after examining the evidence of the claimants came to the conclusion that both the drivers had equally contributed to the occurrence. If the lorry driver had slowed down, the accident would not have taken place. If the bus driver had slowed down also, the accident would not have occurred. That is why the Tribunal fixed the negligence equally on the lorry driver as well as the bus driver. The reasoning of the tribunal as found in Paragraph 10,11 and 12 of the impugned award is based on the relevant material and application of the correct principles of law. There is no need to differ from the said findings. The impugned award stands confirmed. The appeals are without any merit.

4. The appellant is directed to pay a sum of Rs.65,000/- in C.M.A.(MD) No.910 of 2015 and a sum of Rs. 66,300/- in C.M.A(MD) No.911 of 2015 with interest at 7.5% per annum with costs from the date of petition till the date of realization within a period of twelve weeks from the date of receipt of a copy of this order, less the amount already deposited, if any. The claimants are permitted to withdraw the entire amount, less the amount already withdrawn by them, if any. The award made in M.C.O.P.Nos.422 and 423 of 2012 dated 30.10.2013 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate Court), Madurai is confirmed. Hence, the Civil Miscellaneous Appeals stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

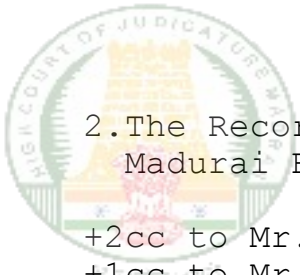
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Motor Accident Claims Tribunal
(Chief Judicial Magistrate Court), Madurai.



2.The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court, Madurai.

+2cc to Mr.P.PRABHAKARAN Advocate in SR. No. 84535,84529

+1cc to Mr.B.RAJESH SARAIVANAN Advocate in SR. No. 84583

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VB/JC/SAR.2/23.11.2017/3P-6C

JUDGMENT MADE IN
C.M.A. (MD) Nos. 910 and 911 of 2015
31.10.2017