



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.06.2019
CORAM:
THE HON'BLE Mr. JUSTICE R.MAHADEVAN
Civil Miscellaneous Appeal No.1020 of 2006

WEB COPY

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Coimbatore ... Appellant / petitioner.
..vs..

1. Ravichandran
2. K.Sumathi
3. The Oriental Insurance Co. Ltd.,
City Branch 2-73/B1,
Salai Road, Lakshmi Complex,
Thillai Nagar, Trichy - 18 ... Respondents / Respondents

Appeal filed under Section 173 of Motor Vehicles Act 1988,
against the award and Decree, dated 29.07.2004 made in
M.C.O.P.No.81 of 2003 on the file of the Motor Accident Claims
Tribunal, Chief Judicial Magistrate, Coimbatore.

For Appellant : Mr. S.V.Vasanthakumar
For Respondents: Mr. S.Arunkumar, for R-3,
No Appearance, for R-1 & R-2.

J U D G M E N T

In respect of the damages caused to the Bus, on account of
the accident that took place on 02.06.1998, a claim petition has
been filed in M.C.O.P.No.81 of 2003 before the Motor Accident
Claims Tribunal, Chief Judicial Magistrate, Coimbatore, by the
appellant herein / Transport Corporation, claiming a sum of
Rs.26,945.49.

2. The Tribunal, on a consideration of the materials and
evidences placed before it, has dismissed the Claim Petition.
As against the dismissal, the Transport Corporation, as
appellant herein, has preferred this Appeal.

3. The main contention of the learned counsel for the
appellant / Transport Corporation is that the Tribunal failed to
note that the lorry hit on the backside of the bus and pulled
the bus to a certain distance and hence, the Tribunal ought not
to have dismissed the claim petition.

5. A perusal of the award passed by the Claims Tribunal
would go to show that, while considering the manner of accident,
it has taken into consideration the evidence of P.W.2; during



cross-examination of P.W.2-Junior Engineer of the Transport Corporation he has stated that there was a possibility that the accident might have happened due to the rash and negligent driving of the Transport Corporation Bus driver also. Added to that, the Tribunal has also correlated the evidence of P.W.2 with that of Ex.P-1-First Information Report and ultimately came to the conclusion that it cannot be said that the accident was caused due to the rash and negligent driving of the opponent vehicle.

6. The above said reasonings of the Tribunal are borne out from the materials and evidences available on record, which cannot be brushed aside by this Court easily. Had there been material to show that the accident happened due to the rash and negligent driving of the opponent vehicle, this Court would have considered the same and proceed to compensate the appellant herein. Unfortunately, no material evidence of such nature is available. In such view of the matter, the findings rendered by the Tribunal are perfectly valid and justifiable.

7. In the result, affirming the judgment and decree of the Tribunal, this Civil Miscellaneous Appeal stands dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

srk

To

1. Motor Accident Claims Tribunal,
Chief Judicial Magistrate, Coimbatore.

2. The Section Officer, V.R.Section,
Madras High Court, Chennai 104

+1cc to Mr.S.V.Vasanth Kumar, Advocate sr.47432

+1cc to Mr.S.Arunkumar, Advocate sr.48192

C.M.A.No.1020 of 2006

pm(co)
nr 15/11/2019