



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 04.06.2019

CORAM
THE HONOURABLE MR. JUSTICE R.MAHADEVAN

C.M.A.No.2974 of 2005
and
C.M.P.No.15518 of 2005

Tamil Nadu State Transport Corporation Ltd.,
Coimbatore,
Rep.by its Managing Director. ... Appellant
Vs.

1.The State of Tamil Nadu,
Rep.by Commissioner of Survey & Settlement,
Survey House, PWD Complex,
Chepauk, Chennai - 5.

2.P.Chinna Karuppasamy

3.G.Palanisamy

4.United India Insurance Co.Ltd.,
Swetha Buildings, D.B.Road,
R.S.Puram,
Coimbatore - 12

5.R.Ramasamy, Driver,
TNSTC Coimbatore Div.II,
Coimbatore. ... Respondents

Appeal under Section 173 of the Motor Vehicles Act
against the judgment and decree dated 15.04.2004 made in
MACTOP No.462 of 2002 on the file of the Motor Accident Claims
Tribunal (Additional District and Sessions Court, Fast Track
Court No.III, Coimbatore).

For Appellant : Mr.S.V.Vasanth Kumar
For Respondents: Mr.S.Jaganathan for R1
Mr.T.Ravichandran for R4
No appearance for R3
R5 given up

J U D G M E N T

The appellant herein is the Transport Corporation. They
have come up with this appeal against the judgment and decree
dated 15.04.2004 passed by the Motor Accident Claims Tribunal,
(Additional District and Sessions Court, Fast Track Court
No.III), Coimbatore, (for brevity 'the Tribunal') in MACT
OP.No.462 of 2002.



2. The case in brief, is as follows:

On 27.07.2001, the first respondent's Jeep bearing Registration No.TN 07G 2085 was driven by its driver from Pollachi to Coimbatore and at about 8.40 p.m., while the vehicle was proceeding near Othakkal Mandapam, Varathi Thoppu, the second respondent drove the lorry bearing Registration No.TDZ 8694 belonging to the third respondent in a rash and negligent manner and suddenly stopped it and because of the same, the driver of the first respondent also stopped his vehicle behind the lorry. At that time, the bus bearing Registration No.TN 38N 0696 belonging to the appellant Transport Corporation, which was driven by the fifth respondent, hit the first respondent's jeep on the rear side, due to which, the jeep was suddenly pushed forward and collided with the lorry. As a result of the same, the jeep was heavily damaged in the front as well as the back. Hence, the first respondent filed a claim petition seeking compensation of Rs.70,800/- for the damages caused to the jeep. On considering the evidence available on record, the Tribunal awarded a total compensation of Rs.45,000/- along with interest @ 9% p.a. from the date of petition till the date of deposit. Aggrieved over the same, the appellant-Transport Corporation has filed the present Civil Miscellaneous Appeal.

3. The learned counsel for the appellant Transport Corporation has disputed the liability of the Transport Corporation to pay compensation as well as the quantum determined for the damages caused to the vehicle belonging to the first respondent/claimant.

4. Heard the learned counsel for the appellant as well as the learned counsel for the respondents 1 and 4 and perused the materials available on record.

5. It is seen that before the Tribunal, on the side of the first respondent/claimant, P.W.1 & P.W.2 were examined and Ex.P1 to Ex.P11 were marked. P.W.2/driver of the jeep deposed that the fifth respondent drove the bus in a rash and negligent manner and dashed against the jeep, thereby causing the accident. To deny the said assertion, no contra evidence was adduced on the side of the appellant Transport Corporation. After analysing the same, the Tribunal was of the view that the accident had occurred due to the rash and negligent driving of the fifth respondent. Accordingly, the Tribunal fastened the liability on the appellant Transport Corporation. The said findings are based on materials on record and hence, the same do not call for any interference at the hands of this Court.

6. With regard to quantum of compensation, the first respondent claimed a sum of Rs.70,800/- for the damages caused to the jeep. To substantiate their claim, Ex.P4 -Motor Vehicle Inspector's report was produced, as per which, the jeep



sustained extensive damages at its front and back portions. Exs.P8, P9 and P10 documents speak about the valuation of damages caused to the jeep and set right the same. Admittedly, the jeep involved in the accident, belongs to the first respondent Department and its driver possesses valid driving licence, as per Ex.P11. According to the first respondent/claimant, due to the damages caused to the jeep, there was loss of earning for a period of seven months. The Tribunal, considering all those material evidence, fixed a sum of Rs.1,000/- per month and calculated the loss of income for seven months at Rs.7,000/- and further, Rs.38,000/- to set right the damages caused to the vehicle and thus, quantified the total compensation at Rs.45,000/- with interest at 9% p.a. from the date of petition, which this Court is not inclined to interfere, as the same are just, fair and reasonable, considering the facts and circumstances of the case.

7. Hence, this Civil Miscellaneous Appeal is dismissed. The appellant-Transport Corporation is directed to deposit the award amount as ordered by the Tribunal with interest after deducting the amount, if any already deposited, within a period of four weeks from the date of receipt of a copy of this judgement. On such deposit being made, the first respondent/claimant is permitted to withdraw the same, on making proper application. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Mk/rk

To

1.The Commissioner of Survey & Settlement,
Survey House, PWD Complex,
Chepauk, Chennai - 5.

2.The Motor Accident Claims Tribunal
(Additional District and Sessions Court, Fast Track Court
No.III), Coimbatore.

3. The Section Officer
VR Section, Madras High Court.

+1cc to Mr.S.V.Vasanth Kumar, Advocate, S.R.No. 45490

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