

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 01.11.2019
CORAM:
THE HONOURABLE MRS. JUSTICE R. HEMALATHA
CMA.No.3363 of 2011

Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Coimbatore Division I,
37, Mettupalayam Road,
Coimbatore.

.. Appellant/2nd respondent

vs.

1.R.Vijaya Kumari
2.K.Balasubramaniam

..Respondents/ Petitioners/1st respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the decree and Judgment dated 28.08.2010 passed in MCOP.No.317 of 2009 on the file of the Motor Accident Claims Tribunal / Sub Court, Udumalpet.

Appellant : Mr.S.S.Swaminathan
Respondents : No appearance

JUDGMENT

The appellant, Managing Director, Tamil Nadu State Transport Corporation Limited is the second respondent in MCOP.Nos.312, 313, 314, 315, 316 and 317 of 2009 on the file of the Motor Accident Claims Tribunal / Sub Court, Udumalpet. The claim petitions were filed under Section 166 of the Motor Vehicles Act, 1988 seeking compensation for the injuries sustained by the claimants (in MCOP.Nos.312, 313, 315, 316 and 317 of 2009) and for the death of one Soundarrajan in a road accident on 14.12.2008.

2. The case of the claimants in nutshell is as follows:

On 14.12.2008, the claimants and the deceased Soundarrajan were travelling in a Tata Sumo Car bearing Registration No. TN 46 B 3031 on Pollachi - Palladam Main Road and at about 06.30 hours, a speeding bus bearing Registration No. TN 38 N 1656, hit the car, as a result whereof, the claimants sustained injuries and Soundarrajan died in the accident.

3. According to the claimants, the rash and negligent driving of the driver of the bus bearing Registration No. TN 38 N 1656 belonging to the appellant, was the cause of the accident and that since the said bus belongs to the Tamil Nadu State Transport Corporation Limited/appellant, they are liable to pay compensation.

4. The learned Subordinate Judge / Motor Accidents Claims Tribunal, Udumalpet while awarding compensation to the claimants also concluded that the accident took place due to rash and negligent driving of the driver of the bus and therefore the Tamil Nadu State Transport Corporation Limited is liable to pay compensation to the claimants. Aggrieved over the orders passed by the Tribunal, the appellant / Tamil Nadu State Transport Corporation Limited has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. Mr.S.S.Swaminathan, learned counsel appearing for the appellant contended that since there was a head on collision between the car and the bus, composite negligence on the part of the driver of the car should also be fixed.

6. No appearance on behalf of the respondents.

7. A perusal of the records shows that the police registered FIR against the driver of the bus and after completing investigation laid a charge sheet (Ex.P2) against the driver of the bus. The Tribunal after analysing the oral and documentary evidence adduced on both sides, had clearly held that the driver of the bus was rash and negligent. In the facts and circumstances of the present case, I do not see any reason to interfere with the findings recorded by the Tribunal, in this regard.

8. As far as the quantum of compensation is concerned, the learned counsel appearing for the appellant did not advance any arguments. A perusal of the orders shows that the Award passed by the Tribunal is not on the higher side and in the facts and circumstances, the present appeal is liable to be dismissed.

9. In the result, सत्यमेव जयते

(i) The Civil Miscellaneous Appeal is dismissed. No costs.

(ii) The orders passed by the Tribunal is upheld.

(iii) The appellant /Tamil Nadu State Transport Corporation Limited is directed to deposit the compensation awarded by the Tribunal i.e., Rs.30,000/- (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of MCOP.No.317 of 2009 on the file of the Motor Accident Claims Tribunal / Sub Court, Udumalpet within a period of four weeks from the date of receipt of a copy of this order.

(iv) On such deposit being made, the first respondent / claimant is at liberty to withdraw the same after following due process of law.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mtl

To

The Motor Accidents Claims Tribunal,
The Subordinate Judge,
Udumalpet.

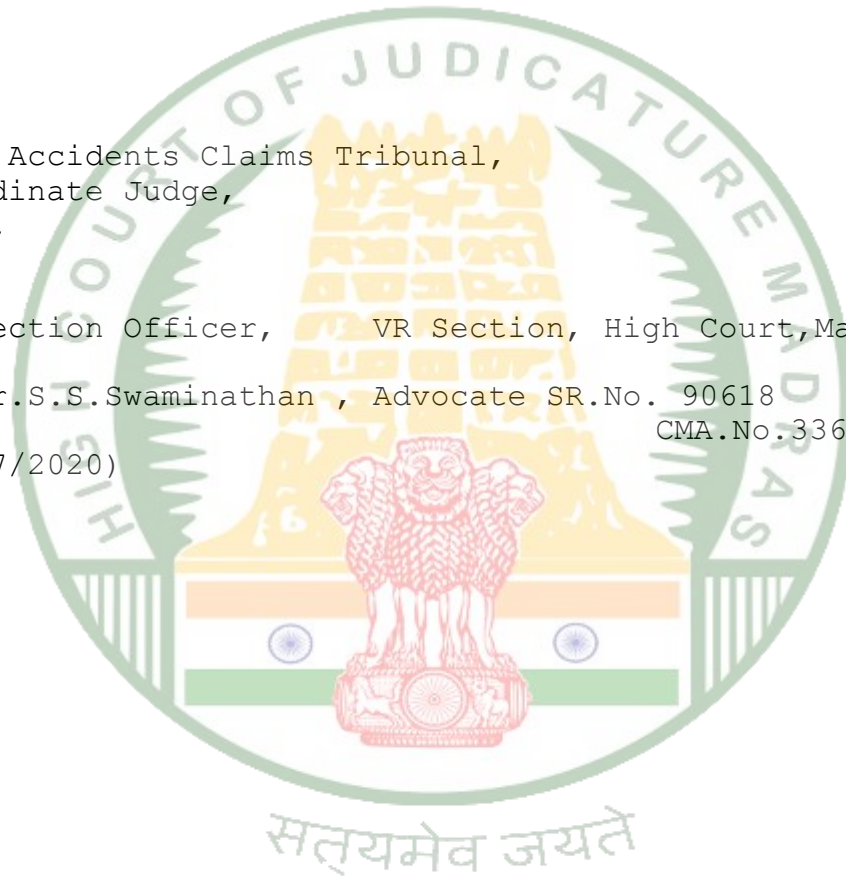
Copy to:

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

+1cc to Mr.S.S.Swaminathan , Advocate SR.No. 90618

CMA.No.3363 of 2011

A.SK(20/07/2020)



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