

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2019

CORAM:

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

CMA.No.988 of 2011

Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Coimbatore Division I,
37, Mettupalayam Road,
Coimbatore.Appellant/2nd Respondent

.Vs.

1.Semalaippan1st Respondent/Petitioner

2.K.Ayyappan2nd Respondent/1st Respondent

3.M/s.Lakshmi Bus Services,
9F, Trichy Road,
Singanallur,
Coimbatore - 5.

4.The United India Insurance Company Ltd.,
Branch Office,
Coimbatore - 641 045.

5.M/s.Naveen Chamber Bricks,
No.378/2, Pappayanputhur,
Dhalavaipattinam Post,
Dharapuram Taluk.

6.United India Insurance Company Ltd.,
No.5, Big Bazaar Street,
Dharapuram.Respondents 3 to 6/Respondents 3 to 6

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the decree and judgment dated 23.07.2009 in M.C.O.P.No.22 of 2007 on the file of the Motor Accidents Claims Tribunal, Additional District Court, Fast Track Court III, Dharapuram.

For Appellant : Mr.S.Swaminathan

For Respondents: Mr.Ma.Pa.Thangavel for R1
No appearance for R2, R3 & R5
Mrs.I.Malar for R4 & R6

JUDGMENT

The appellant, Tamil Nadu State Transport Corporation Limited is the second respondent in M.C.O.P.No.22 of 2007 on the file of the Motor Accidents Claims Tribunal, Additional District Court, Fast Track Court III, Dharapuram. The first respondent / claimant filed the above said claim petition under Section 166 of the Motor Vehicles Act seeking compensation of Rs.3,00,000/- for the injuries sustained by him in a road accident on 02.05.2006.

2. The case of the claimant is as follows:

On 02.05.2006, the claimant was travelling in a lorry bearing Registration No. TN 43 2260 and at about 12.45 p.m, a speeding bus belonging to the Tamil Nadu State Transport Corporation Limited bearing Registration No. TN 33 N 1766, coming on the opposite direction, hit the lorry, and another bus bearing Registration No. TN 37 AF 4665, hit the same lorry from behind, as a result of which, the claimant sustained injuries all over his body.

3. According to the claimant, the rash and negligent driving of the driver of the Tamil Nadu State Transport Corporation bus, was the cause of the accident and therefore they are liable to pay compensation.

4. The appellant, Tamil Nadu State Transport Corporation Limited contested the claim petition. The learned Motor Accidents Claims Tribunal, Additional District Court, Fast Track Court III, Dharapuram after analysing the evidence on record, awarded a compensation of Rs.60,000/- together with interest at the rate of 7.5% per annum. The Tribunal further held that the driver of the Tamil Nadu State Transport Corporation bus was rash and negligent. Aggrieved over the orders passed by the Tribunal, the Tamil Nadu State Transport Corporation Limited has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. Mr.S.Swaminathan, learned counsel appearing for the appellant would contend that the FIR was registered against the drivers of Tamil Nadu State Transport Corporation Limited bus and the bus bearing Registration No.TN 37 AF 4665. The Inspector of Police, Avinashi Police Station, after

investigation laid a final report, against the drivers of the Tamil Nadu State Transport Corporation Limited bus and the bus bearing Registration No.TN 37 AF 4665, for the offences punishable under Section 279, 337 and 338 of IPC. However, the Tribunal fixed the entire negligence on the part of the driver of the Tamil Nadu State Transport Corporation bus alone, which according to him is liable to be set aside

6. It is pertinent to point out that the Criminal Court records are not binding on the Tribunal and in the instant case the claimant examined himself as PW1. He has clearly deposed that the driver of the Tamil Nadu State Transport Corporation Limited bus was the wrong doer. The Tribunal based on the evidence on record had held that the driver of the Tamil Nadu State Transport Corporation Limited bus was rash and negligent and fixed the entire liability on the Tamil Nadu State Transport Corporation Limited. All the observations made by the Tribunal are perfectly in order and I do not see any reason to interfere with the same. Moreover, connected CMA.Nos.3555 and 3556 of 2010 were settled before Lok Adalath and the Managing Director, Tamil Nadu State Transport Corporation Limited was directed to pay the entire compensation.

7. In the result,

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

(ii) The appellant, Tamil Nadu State Transport Corporation Limited is directed to deposit the compensation amount i.e., Rs.60,000/- (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 M.C.O.P.No.22 of 2007 on the file of the Motor Accidents Claims Tribunal, Additional District Court, Fast Track Court III, Dharapuram within a period of four weeks from the date of receipt of a copy of this order.

(iii) 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 VIII)

//True Copy//

Sub Assistant Registrar

To

The Motor Accidents Claims Tribunal,
The Additional District Judge,
Fast Track Court III,
Dharapuram.

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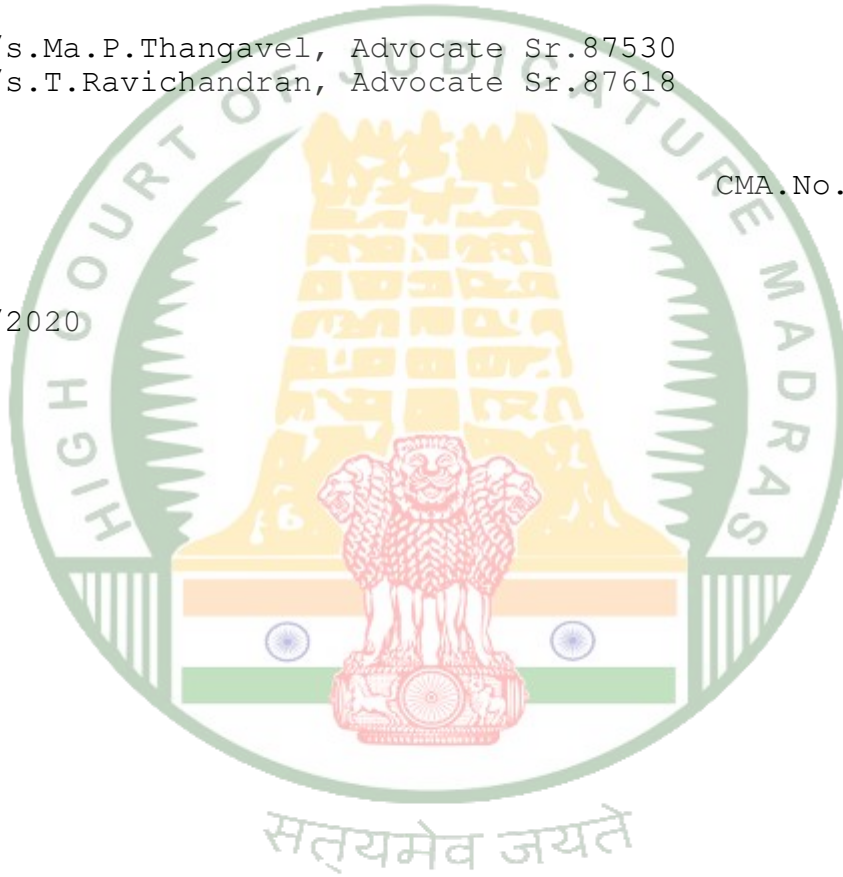
The Section Officer,/Vernacular Records,
High Court, Madras-104.

+1cc to M/s.Ma.P.Thangavel, Advocate Sr.87530

+1cc to M/s.T.Ravichandran, Advocate Sr.87618

CMA.No.988 of 2011

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