

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 03.09.2019

CORAM:

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

CMA.No.993 of 2011 and
M.P.No.1 of 2011

The Managing Director,
Tamilnadu State Transport Corporation,
No.12, Ramakrishna Road,
Salem-7.Appellant/Respondent 1

Vs.

1. N.Prabhavathi1st Respondent/Petitioner
2. Lakshmi2nd Respondent/
2nd Respondent

Prayer This Civil Miscellaneous Appeal has been filed under Section 173 of the Motor Vehicles Act, 1988, against the Award dated 15.10.2009 passed in M.C.O.P.No.429 of 2008 by the Motor Accident Claims Tribunal, Sub-Judge Rasipuram.

For Appellant : Mr. S.V.Vasanthakumar
For Respondents : No appearance

J U D G M E N T

The appellant, the Tamil Nadu State Transport Corporation is the first respondent in MCOP No.429/2008 on the file of the Motor Accident Claims Tribunal, Rasipuram.

2. A perusal of the records shows that though several opportunities were granted to the appellant to serve notice to the respondents, till date, no steps have been taken.

3. The first respondent/claimant filed MCOP No.429/2008 before the Motor Accident Claims Tribunal, Rasipuram seeking compensation of Rs.15,00,000/- for the death of her husband Ramesh @ Pugazhenthiran in an accident that took place on 03.02.2007.

4. The case of the claimant is that her husband Ramesh @ Pugazhenthiran was driving his car bearing registration No. TN-07-K-8973 on Kallakuruchi-Athur National Highways and when he was nearing Vasudevanur village, a bus bearing registration No. TN-30-N-0246 belonging to the Tamil Nadu State Transport Corporation came with a high speed and dashed against the car, as a result of which, her husband sustained injuries all over his body and died on the way to the hospital. According to the claimant, the rash and negligent driving of the driver of the State Transport Corporation was the cause of the accident and therefore, they are liable to pay compensation to the claimant. The 2nd respondent, is the mother of the deceased Ramesh @ Pugazhendiran.

5. The learned counsel appearing for the appellant would contend that the deceased who drove the car was rash and negligent and therefore, the Tribunal was not right in fixing the negligence only on the part of the driver of the bus belonging to the Tamil Nadu State Transport Corporation.

6. The manner of accident clearly shows that the driver of the State Transport Corporation bus was responsible for the accident. The Tribunal after properly assessing the evidence on record, fixed the responsibility on the driver of the bus. There is nothing to show that the deceased was also responsible for the accident.

7. As far as the quantum of compensation is concerned, the Tribunal awarded a compensation of Rs.10,50,000/- to the claimant together with interest at the rate of 7.5% per annum. The age of the deceased was 31 years on the date of accident. The Tribunal also applied proper multiplier and awarded a just compensation of Rs.10,50,000/- and by no stretch of imagination, the same can be stated to be on the higher side.

8. In the result, the civil miscellaneous appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed. The award passed in M.C.O.P.No.429 of 2008 dated 15.10.2009 by the Motor Vehicle Accident Claims Tribunal, Rasipuram is upheld.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mst

2 of 5

To

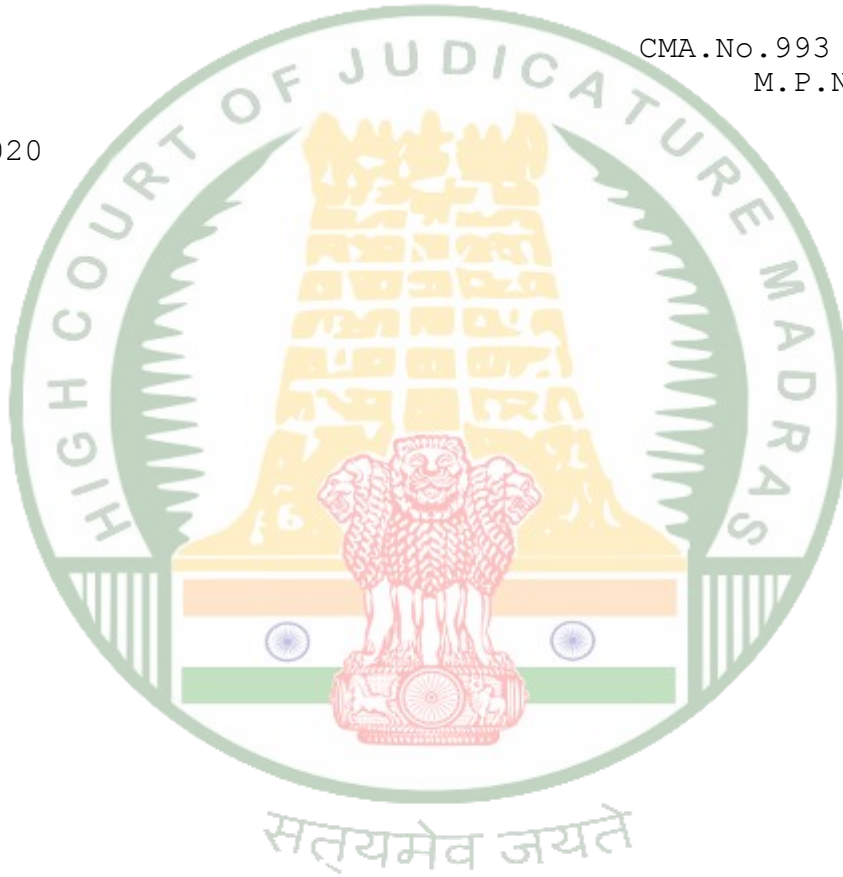
The Motor Accident Claims Tribunal, (Sub Judge) Rasipuram.

copy to

The Section Officer
VR Section
Madras

CMA.No.993 of 2011 and
M.P.No.1 of 2011

aa06/02/2020



WEB COPY