



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.186 of 2016 and
C.M.P.No.1651 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Villupuram,
Vellore Division. ... Appellant/ Respondent NO.3

Vs.

1.Shakila
2.Sharmila
3.Saraniya
4.Sandhiya ..RR1 to R4/ Petitioners
5.Rajini ..R5/R1
6.The Divisional Manager,
The United India Company Limited,
No.4 & 5, Kandasamy Street,
Ranipet,
Vellore District. ...6th Respondent/R2

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 27.08.2015 made in M.C.O.P.No.189 of 2012 on the file of Motor Accident Claims Tribunal, Sub Court, Ranipet, Vellore.

For Appellant : Mr.S.Sairaman
For RR1 to 4 : Mr.C.Prabhakaran

J U D G M E N T

This Civil Miscellaneous Appeal has been filed by the appellant/Transport Corporation, challenging the award dated 27.08.2015 made in M.C.O.P.No.189 of 2012 on the file of Motor Accident Claims Tribunal, Sub Court, Ranipet, Vellore.

2.The appellant/Transport Corporation is 3rd respondent in M.C.O.P.No.189 of 2012 on the file of Motor Accident Claims Tribunal, Sub Court, Ranipet, Vellore. The respondents 1 to 4 filed the said claim petition, claiming a sum of



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7. Heard the learned counsel appearing for the appellant/Transport Corporation as well as the respondents 1 to 4 and perused the materials available on record.

8. From the materials on record, it is seen that it is the contention of the respondents 1 to 4 that while the deceased was traveling in the auto, the bus belonging to the appellant and auto dashed and in the accident, the deceased died on the spot. To prove the same, they examined P.W.2, eye witness and marked FIR. It is the contention of the 6th respondent, the insurer of the auto that accident occurred only due to rash and negligent driving by the driver of the bus belonging to the appellant. The 6th respondent has not let in any evidence to substantiate the said contention. The appellant contended that the driver of the auto drove the auto in a rash and negligent manner and dashed against the cyclist and lost control and dashed against a mini bus belonging to the appellant even though the driver of the bus slow downed the bus. To substantiate this contention, they examined driver of the bus as R.W.1. The Tribunal considering the evidence of P.W.2, eye witness and R.W.1, accepted the evidence of P.W.2 who is an independent eye witness. The Tribunal has given valid reason for fixing negligence equally on the part of the driver of the auto as well as on the driver of the bus belonging to the appellant. There is no error in the said finding of the Tribunal warranting interference by this Court. The Tribunal considering the age and avocation of the deceased, fixed monthly income and granted compensation, which is not excessive, warranting interference by this Court.

9. In the result, this Civil Miscellaneous Appeal is dismissed and the sum of Rs.5,80,500/- awarded by the Tribunal as compensation to the respondents 1 to 4/claimants, together with interest and costs is confirmed. Both the respondents 5 & 6 as well as appellant/Transport Corporation are directed to deposit 50% each of the award amount with interest and costs, less the amount already deposited, if any, within a period twelve weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P.No.189 of 2012. On such deposit, the respondents 1 to 4 are permitted to withdraw their share of the award amount, on the basis of apportionment fixed by the Tribunal, along with interest and costs, less the amount if any, already withdrawn. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar



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To

The Subordinate Judge,
Motor Accident Claims Tribunal,
Ranipet,
Vellore.

Copy to:

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

+1cc to Mr.S.Sairaman , Advocate SR.No. 12197

+1cc to Mr.C.Prabhakaran , Advocate SR.No. 12383

C.M.A.No.186 of 2016 and

C.M.P.No.1651 of 2016

A.SK(10/10/2019)