

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE
C.M.A.No.2169 OF 2018

THE MANAGING DIRECTOR

TAMIL NADU STATE TRANSPORT CORPORATION

BHARATHIPURAM DHARMAPURI.

...appellant /2nd respondent

Vs

1 JAYANTHI

2 MINOR M.RAKSITAA

3 MINOR M.DEEKSHITHA

(R2 & R3 rep by their brother R1) ...Respondents 1 to 3/
Petitioner

4 SUBRAMANI

5 POONKOTHA

6 THE MANAGER

NATIONAL INSURANCE COMPANY LIMITED NO.37

PANTHEON ROAD NEAR HOTEL ASHOK EGMORE

CHENNAI-600003

7 MUNIYAMMAL

... respondents 4 to7/
respondent 1 and 3 to 5

PRAYER: Civil Miscellaneous Appeal filed to set aside the
Decreetal order and order dt. 10/11/2016 made in
MCOP.No.142/2014 on the file of the MACT Special District judge
(MACT) Dharmapuri and be pleased to dismiss the above claim as
against the appellant.

For appellant : Mr.D.Venkatachalam

For respondents : Mr.K.Suryanarayanan,
for respondents 1 to 3

Ms.R.Sreevidhya, for R-6

J U D G M E N T
(made by K.K.SASIDHARAN, J.)

This Civil Miscellaneous Appeal is directed against the
common award dated 10 November 2016 in M.C.O.P.No.142 of 2014,
on the file of the Motor Accident Claims Tribunal, Dharmapuri,
awarding a sum of Rs.56,20,630/- to the respondents 1 to 3 by
way of compensation.

2. We have heard the learned counsel appearing on behalf of the respective parties.

3. The bus bearing registration no.TN 29 N 1555 owned by the Tamil Nadu State Transport Corporation, Dharmapuri, dashed against the Tata sumo car bearing registration no.TN 29 AX 3195. The accident took place at about 10 a.m. on 9 June 2011. In the accident that took place near Kasinaikanpatty Village, Thiru.C.Mohan, husband of the first respondent and father of respondents 2 and 3, died. The respondents 1 to 3 sustained injuries.

4. The respondents 1 to 3 filed a claim petition before the Motor Accident Claims Tribunal, Dharmapuri, in M.C.O.P.No.142 of 2014. In the said accident, there were other injured persons. Similar claim petitions were filed before the Tribunal in M.C.O.P.Nos.120 to 122 of 2014. The Tribunal decided all the claim petitions by way of a common award dated 10 November 2016.

5. The very same award in respect of the claim petitions in M.C.O.P.Nos.120 to 122 of 2014 came up for hearing before a learned single Judge of this Court in C.M.A.Nos.1727, 1729 & 2208 of 2019. Before the learned Single Judge, the appellant contended that the car driver alone was negligent and as such, there was no liability to pay compensation. The learned Single Judge negatived the said contention and dismissed the appeals by judgment dated 26 April 2019.

6. Even in the present appeal, liability alone is in question. The appellant has, in the other three appeals decided by the learned Single Judge, contended that the car driver alone was responsible for the accident and as such, the legal representatives were not entitled for compensation. No other contentions were raised before us. In short, the liability alone is now challenged and not the quantum.

7. The judgment dated 26 April 2019 has become final. It is therefore not possible for the State Transport Corporation to re-agitate the issue regarding negligence. The question of negligence therefore should be answered against the appellant.

8. Since the issue raised in the appeal is covered by the judgment in C.M.A.Nos.1727, 1729 and 2208 of 2019, this appeal is liable to be dismissed. The Civil Miscellaneous Appeal is accordingly dismissed. No costs.

9. The appellant is given eight weeks time from today, to deposit the compensation amount along with the interest and cost, in case the same has not been deposited so far. The 1st

respondent is entitled to withdraw her share. The share of the minors should be deposited in accordance with the directions given by the Tribunal.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

tar
To

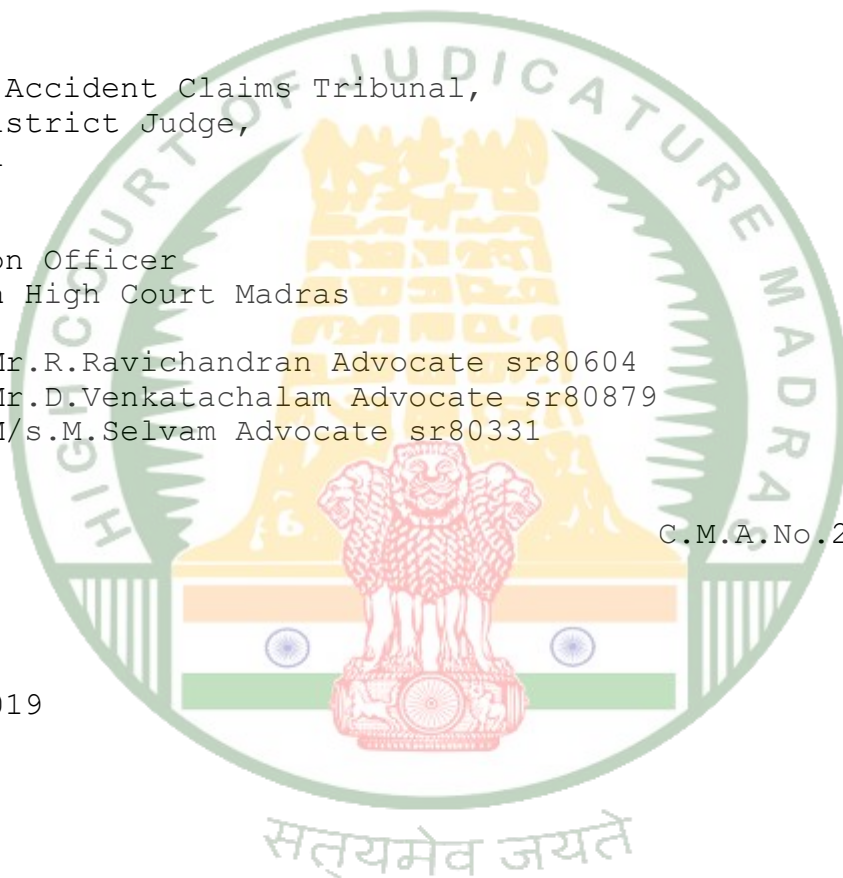
The Motor Accident Claims Tribunal,
Special District Judge,
Dharmapuri

copy to
The Section Officer
VR Section High Court Madras

+1 cc to Mr.R.Ravichandran Advocate sr80604
+1 cc to Mr.D.Venkatachalam Advocate sr80879
+1 cc to M/s.M.Selvam Advocate sr80331

C.M.A.No.2169 OF 2018

rsv(co)
aa21/10/2019



WEB COPY