

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2019

CORAM:

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

CMA.No.1936 of 2014

and

MP.No.1 of 2014

The Managing Director,
Tamil Nadu State Transport Corp. Ltd.,
Division - I,
Kumbakonam.Appellant

.Vs.

1.R.Bhavani
2.Minor R.Soorya
3.Minor R.Chandru
4.Minor R.Sandhiya
(R2 to R4 are minors represented by
guardian and next friend mother 1st Respondent)

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the decree and Judgment dated 19.09.2013 passed in MCOP.No.19 of 2007 on the file of the Motor Accident Claims Tribunal / I Additional District Court, Cuddalore.

For Appellant : Mr.D.Venkatachalam

For Respondents : Mr.R.Sreedhar

सत्यमेव जयते
J U D G M E N T

The Tamil Nadu State Transport Corporation, the respondent in MCOP.No.19 of 2007 on the file of the Motor Accidents Claims Tribunal/ I Additional District Court, Cuddalore has filed the present appeal. The respondents / claimants filed the above claim petition under Section 166 (1) of the Motor Vehicles Act, 1988 seeking compensation of Rs.15,00,000/- for the death of one Ramachandran, husband of the first claimant and father of the claimants 2 to 4 in a road accident on 30.06.2006.

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

On 30.06.2006, the deceased Ramachandran was walking along Ramanathapuram - Rameswaram road, and at about 07.30 pm, when he was nearing Kuyavankudi Rice Mill, a speeding bus

bearing Registration No.TN 49 N 0990 belonging to the Tamil Nadu State Transport Corporation hit him, as a result of which, the deceased Ramachandran sustained fatal injuries and died on the spot. According to the claimants, the rash and negligent driving of the driver of the bus belonging to the Tamil Nadu State Transport Corporation was the cause of the accident and therefore, they are liable to pay compensation.

3. The learned I Additional District Judge / Motor Accidents Claims Tribunal, Cuddalore after analysing the evidence on record, awarded a compensation of Rs.6,31,000/- together with interest at the rate of 7.5% per annum to the claimants and also concluded that the driver of the bus was rash and negligent in driving the vehicle. Aggrieved over the orders passed by the Tribunal, the Tamil Nadu State Transport Corporation has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

4. Mr.D.Venkatachalam, learned counsel appearing for the appellant contended that the Tamil Nadu State Transport Corporation bus was not involved in the accident and that though the matter was taken up to the level of the Superintendent of Police, Ramanathapuram District along with statements of two passengers of the bus, the Inspector of Police, Kenikkarai Police Station had not only registered FIR against the driver of the bus but also laid a charge sheet against the driver without proper investigation.

5. Per contra, Mr.R.Sreedhar, learned counsel appearing for the respondents / claimants contended that the Tribunal after considering all the aspects of the case, has fixed the negligence on the part of the driver of the bus and therefore, the order passed by the Tribunal need not be set aside.

6. At the outset, it may be observed that the bus involved in the accident belongs to the Tamil Nadu State Transport Corporation. The Inspector of Police, Kenikkarai Police Station, after concluding investigation, had laid a charge sheet against the driver of the bus as evidenced by a copy of the charge sheet (Ex.P7). There is nothing to show that the Inspector of Police had falsely implicated the bus belonging to the Tamil Nadu State Transport Corporation. In fact, no contra evidence was adduced on the side of the appellant to substantiate their contention that their bus was not involved in the accident. The evidence of the driver of the bus is not sufficient to hold that the bus belonging to the Tamil Nadu State Transport Corporation did not cause the accident. On the contrary, the evidence of A.Krishnan (PW2), who is an eyewitness to the occurrence is clear on this aspect and there is no good ground to discredit or disbelieve his versions. The Tribunal had infact analysed the evidence adduced on both sides and fixed the negligence on the part of the driver of the bus and all the observations made by the

Tribunal are perfectly in order and therefore, I do not see any reason to interfere with the same.

7. As far as the quantum of compensation is concerned, no arguments were advanced by the learned counsel appearing for the appellant and no cross objection or appeal was filed by the claimants. A perusal of the award also shows that it is not on the higher side and in the facts and circumstances, the appeal fails and is dismissed.

8. In the result,

(i) The Civil Miscellaneous Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

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

Sd/-

Assistant Registrar (CS-III MDU)

//True Copy//

Sub Assistant Registrar

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To

The I Additional District Judge,
The Motor Accidents Claims Tribunal,
Cuddalore.

Copy To

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

+1cc to Mr.R.Sreedhar, Advocate, S.R.No. 90758

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and
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RR(CO)
GN(05/08/2020)