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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2020

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

C.M.A. NO.889 OF 2018
AND C.M.P. NO.7427 OF 2018

The Managing Director,
KSRTC Limited, Chickballapur Division,
Chickballapur, Bengaluru.

... Appellant/1st
Respondent

Versus

1. Rani

... 1st Respondent/
Petitioner

2. The Managing Director,
TNSTC (Salem) Limited,
Salem Division, Ramakrishna Road,
Salem - 636 007.

... 2nd Respondent/2nd
Respondent

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 22.06.2016 passed in M.C.O.P. No.241 of 2011 on the file of the Motor Accident Claims Tribunal (Additional Special Court), Krishnagiri.

For Appellant : Mr. T.Thiyagarajan

For Respondents - 1 : No Appearance
2 : Mr. K.Thangam

JUDGMENT

This appeal is directed against the judgment and decree made in M.C.O.P. No.241 of 2011 dated 22.06.2016, passed by the Motor Accident Claims Tribunal (Additional Special Court), Krishnagiri.

2. Brief facts that are necessary for the disposal of this appeal are as follows:

The first respondent in this appeal preferred a claim petition under Section 166 of Motor Vehicle Act claiming



compensation to the tune of Rs.5,00,000/- from the appellant and Tamil Nadu State Transport Corporation for the loss on account of road accident that took place on 30.10.2010. On 30.10.2010, the first respondent along with other passengers travelled in a Tamil Nadu State Transport Corporation bus bearing Reg. No. TN-29-N-1726. The Tamil Nadu State Transport Corporation bus hit and collided against the bus owned by Karnataka State Road Transport Corporation. The first respondent sustained injury in the said accident and hence, filed a petition before the Motor Accidents Claims Tribunal, Krishnagiri, claiming compensation. Accepting the argument of the counsel for the claimant, the Tribunal directed the appellant to pay compensation to the tune of Rs.2,11,000/- to the first respondent. Challenging the same, the first respondent in M.C.O.P. No.241 of 2011 namely the Managing Director, Karnataka State Road Transport Corporation has filed this appeal.

3. Learned counsel for the appellant submitted that in a batch of cases arising out of the same accident, the Tribunal fixed the liability as against both the Corporations and that the order of Tribunal was challenged before this Court in a batch of Civil Miscellaneous Appeals. Learned counsel also relied upon the judgment of a learned Judge of this Court in C.M.A. Nos.1788 to 1793 of 2014, which were disposed of by a common order dated 30.06.2014. After considering several issues argued before this Court, this Court confirmed the order of Tribunal fixing negligence in equal proportion against the bus drivers of both the corporation. It is admitted that no further appeal is preferred or pending before the Hon'ble Supreme Court.

4. This Court is fully convinced with the judgment of this Court in the batch of Civil Miscellaneous Appeals dated 30.06.2014 arising out of the same accident and is inclined to follow the said judgment without any deviation.

5. Accordingly, the direction of the Tribunal directing the appellant to pay the entire compensation of Rs.2,11,000/- to the first respondent is set aside. The appellant and the second respondent are liable in equal proportion to pay 50% of the compensation namely Rs.2,11,000/- to the first respondent. The award amount shall also carry interest at the rate of 7.5% per annum from the date of claim petition till the date of realisation. This Court, by order dated 17.04.2018, granted interim order on condition that the appellant should deposit 50% of the award amount together with interest and cost, deducting the amount already deposited to the credit of M.C.O.P. No.241 of 2011. Hence, the appellant is permitted to withdraw the excess amount which is already paid pursuant to the interim order granted by this Court on 17.04.2018, if the appellant has paid any amount in excess of their liability.



6. The appeal is accordingly allowed and the order of Tribunal in M.C.O.P. No.241 of 2011 on the file of the Motor Accident Claims Tribunal (Additional Special Court), Krishnagiri. is modified to the extent indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Motor Accident Claims Tribunal
(Additional Special Court),
Krishnagiri, Hosur.
2. The Section Officer,
V.R. Section.
High Court,
Madras.

+1cc to Mr.T.Thiyagarajan, Advocate, S.R.No.35409

+1cc to Mr.D.Raghu, Advocate, S.R.No.35507

C.M.A. No.889 of 2018

RSI(CO)
RLP(27/08/2021)