



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2021

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No. 1643 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation,
3/137, Salamedu, Vazhuthareddy,
Villupuram.

...Appellant/Respondent

Vs.

Sundaraesan

...Respondent/Petitioner

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree passed by the Motor Accidents Claims Tribunal, Cuddalore (Special Subordinate Court, Cuddalore) in M.C.O.P. No.604 of 2011 dated 06.10.2015.

For Appellant : Mr. C.S.K. Sathish
For Respondent : Mrs. Ramya V. Rao

JUDGMENT

This Appeal has been filed by the Transport Corporation questioning its liability to pay the compensation under the impugned award dated 06.10.2015 passed by the Motor Accidents Claims Tribunal, Special Subordinate Court, Cuddalore in M.C.O.P. No.604 of 2011 on the ground that on the date of the accident the subject bus owned by the Transport Corporation did not ply in the route where the accident had allegedly occurred.

2. Heard, Mr. C.S.K. Sathish, learned counsel for the Appellant and Ms. Ramya V. Rao, learned counsel for the respondent.

3. As seen from the pleadings as well as the evidence available on record, a consistent stand has been taken by the Appellant Transport Corporation that their bus was not involved in the accident on 17.02.2011 at Alapakkam. However, as seen from the impugned award even though the said stand was taken, the Tribunal has not given due consideration, but instead has awarded a compensation as against the Appellant also without



adjudication of the issue raised by the Appellant / Transport Corporation. Therefore, this Court is of the considered view that the matter will have to be remanded back to the Tribunal for fresh consideration on merits and in accordance with law, after giving due consideration to the contention raised by the Appellant / Transport Corporation in this Appeal.

4. In the result, the impugned award dated 06.10.2015 passed by the Motor Accidents Claims Tribunal, Special Subordinate Court, Cuddalore in M.C.O.P. No.604 of 2011 is hereby set aside and the matter is remanded back to the very same Tribunal for fresh consideration on merits and in accordance with law and by affording sufficient opportunity to both the parties to adduce further evidence if they so desires and the Tribunal shall pass final orders on merits and in accordance with law, within a period of six months from the date of receipt of copy of this Judgment.

5. With the aforesaid directions, this Civil Miscellaneous Appeal is disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ab/vsi2

To

1. The Special Sub Judge,
Special Subordinate Court,
Motor Accidents Claims Tribunal,
Cuddalore.

2. The Section Officer,
V.R. Section,
High Court, Madras.

+1 CC to Mr.C.S.K. Sathish, Advocate sr 52871.

CMA.No.1643 of 2016

SJ(CO)
SP(19/11/2021)