

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A. No. 2478 of 2021
and CMP No.14240 of 2021

The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited, Salamedu,
Vazhuthareddy & Post,
Villupuram Taluk & District

...Appellant

Vs

1.S.Kavitha
2.M.Suresh Babu
3.K.Rafi

...Respondents

Prayer: The Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act against the judgment and decree dated 04.01.2021 made in MCOP No.752 of 2018 on the file of Motor Accidents Claims Tribunal, I Additional District and Sessions Judge, Vellore.

For Appellants : Mr.K.J.Sivakumar

JUDGMENT

This appeal has been filed by the Transport Corporation, challenging the impugned award dated 04.01.2021 directing the appellant Transport Corporation as well as the owner of the vehicle/3rd respondent herein to pay compensation of Rs.25,000/-each to the first respondent/claimant.

2. The Tribunal has held that the driver of the bus bearing Registration No.TN 32 N 3778 and the driver of the auto rickshaw bearing Registration No.TN 73 B 7774 are equally responsible for the accident and directed the owners of both the vehicles to pay a sum of Rs.25,000/-each to the first respondent/claimant.

3. The appellant Transport Corporation has challenged the Award on the ground that since FIR has been registered only against the driver of the auto rickshaw bearing Registration No.TN 73 B 7774, the owner of the auto rickshaw alone is liable to pay the compensation to the first

respondent/claimant.

4. Any motor accident claim is based on preponderance of probability. The Tribunal has taken note of the fact that the accident was on head-on-collision of auto rickshaw and the bus, owned by the appellant Transport Corporation and the accident had not occurred due to any mechanical fault of the respective vehicles. The Tribunal has also taken note of the fact that the front portion of both the vehicles were heavily damaged and Ex.P6 Observation Mahazar discloses that the accident had occurred in the middle of the road. After considering the above mentioned factors only, the Tribunal has rightly held that the drivers of both Auto rickshaw and the Bus, belonging to the appellant Transport Corporation are equally responsible for the accident and awarded a sum of Rs.50,000/- as compensation to be paid by the owner of the auto rickshaw and the appellant Transport Corporation at Rs.25,000/- each.

5. Considering the above mentioned factors, this Court is of the

considered view that this Court does not find any infirmity in the findings of the Tribunal.

6. At this juncture, it is also brought to the notice of this Court by the learned counsel for the appellant Transport Corporation that the connected appeals in C.M.A.Nos.2434 and 2435 of 2021 were already dismissed by this Court on 27.08.2021.

7. In view of the above, the appeal has no merits and the civil miscellaneous appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

06.09.2021

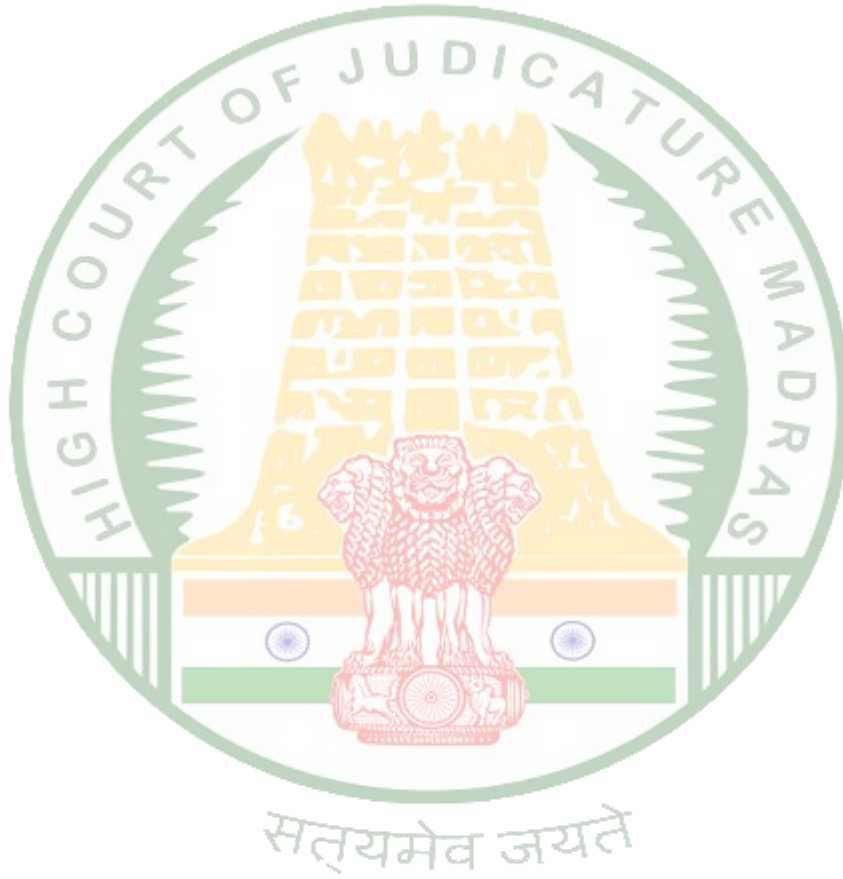
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Speaking Order: Yes/No
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To

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1. The Motor Accidents Claims Tribunal,
I Additional District and Sessions Judge, Vellore.
2. The Section Officer,
V.R.Section, High Court, Madras



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ABDUL QUIDDOSH.,J
sr/rgi



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