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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM:

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

C.M.A.NO.2869 OF 2021

AND

C.M.P.NO.16491 OF 2021

The Managing Director,
Tamilnadu State Transport Corporation,
(Kumbakonam) Limited,
Periyamilaguparai,
Tiruchirapalli - 620 001.

... Appellant/Respondent

.Vs.

1. Vijayalakshmi
2. Venkatachalam
3. Achikannu

... Respondents/Petitioners

PRAYER:-

Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988 against the judgment and decree dated 23.03.2021 made in M.C.O.P.No.586 of 2017 on the file of the Motor Accidents Claims Tribunal, Principal District Judge, Perambalur.

For Appellant : Mr.D.Venkatachalam

JUDGMENT

This appeal has been filed by the appellant/Transport Corporation challenging the award dated 23.03.2021 passed by the Principal District Court, Motor Accidents Claims Tribunal, Perambalur in M.C.O.P.No.586 of 2017.

2. Heard Mr.D.Venkatachalam, learned counsel for the appellant and this Court has perused and examined the impugned award.



3. The Appellant/Transport Corporation has challenged the impugned award only on the ground that the Tribunal has erroneously fixed the entire negligence on the part of the Driver of the bus owned by the appellant/Transport Corporation. According to them, the deceased, who was the rider of the motor cycle is alone responsible for the cause of the accident. With regard to the contention raised by the Appellant/Transport Corporation, the Tribunal under the impugned award given due consideration to the said contention. As seen from the impugned award, the FIR and the charge sheet has been registered only against the Driver of the bus owned by the appellant/Transport Corporation. An eye witness to the accident has also been examined as a witness (PW2). He has also deposed that only due to the rash and negligent driving by the Driver of the bus owned by the appellant/Transport Corporation, the accident had happened. No contra evidence has been produced by the Appellant/Transport Corporation as seen from the evidence available on record. Only on preponderance of probabilities, the Tribunal has passed the impugned award holding the Driver of the bus owned by the Appellant/Transport Corporation alone responsible for the cause of the accident.

4. For the foregoing reasons, this Court does not find any merit in this appeal and accordingly, the Civil Miscellaneous Appeal shall stand dismissed. No costs. Consequently, connected miscellaneous petition is closed.

5. The Appellant/Transport Corporation is directed to deposit the entire award amount awarded by the Tribunal together with interest at 7.5% p.a. from the date of claim petition till the date of realization, less the amount, if any, already deposited to the credit of M.C.O.P.No.586 of 2017 on the file of the Principal District Court, Motor Accidents Claims Tribunal, Perambalur, within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal is directed to transfer the award amount directly to the bank account of the respondents/claimants as per the same ratio of apportionment made by the Tribunal through RTGS, within a period of two weeks thereafter.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ab/vsi2



To

The Motor Accidents Claims Tribunal,
The Principal District Judge,
Perambalur

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Copy To:-

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

+1cc to Mr.D.Venkatachalam, Advocate, S.R.No.52356

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SMI (CO)
PBS/12/11/2021