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CMA.No.653 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2022

CORAM:

THE HONOURABLE MS. JUSTICE P.T.ASHA

CMA.No.653 of 2022

&

CMP No.4633 of 2022

The Managing Director,
M/s. Tamil Nadu State Transport Corporation
No.12, Ramakrishna Road,
Salem 636 007

...Appellant

vs.

Minor Ranjith kumar, S/o. Rajendran
(Minor rep[. by his N/F/Mother Manjula)

..Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the decree and judgment dated 20.09.2021 made in M.C.O.P. No.881 of 2017 on the file of the Motor Accident Claims Tribunal, Additional District Judge, Namakkal and to dismiss the above claim as against the appellant.

For Appellant : Mr.D. Venkatachalam

For Respondent : Respondent name printed

JUDGMENT

The Transport Corporation Limited is the appellant before this Court challenging the award passed in M.C.O.P. No.881 of 2017 by the Motor Accident Claims Tribunal, Namakkal. The appeal is both on the



CMA.No.653 of 2022

ground of negligence as well as quantum.

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2. The facts in brief which give raise to this appeal are as follows:

2.1. The claimant who is aged about 14 years has sustained injuries in an accident on 06.06.2017 while he was riding a TVS XL motor cycle bearing Registration No.TN 28 BB 6965 on the Mavureddipatti-Manickampalayam road. The bus belonging to the appellant/respondent came and dashed against the vehicle in which the claimant was travelling and caused injuries to him. The respondent/claimant, therefore, claimed a compensation of Rs.5,00,000/- for the injuries sustained by him.

2.2 The Transport Corporation had filed its counter *inter alia* contending that the vehicle was driven by a minor, who did not possess license and that the minor was driving the vehicle in a rash and negligent manner, which resulted in the accident. Therefore, they had contended that the minor is responsible for the accident.

2.3. The Tribunal below, on considering the evidence on record, held the negligence on the part of the driver of the respondent bus and had also fixed a contributory negligence of 10% on the minor and



CMA.No.653 of 2022

awarded compensation. It is this award that is sought to be challenged.

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3. Heard Mr. D. Venkatachalam, learned counsel appearing on behalf of the appellant.

4. The records would show that the accident had occurred on account of the rash driving by the appellant/respondent's driver. The FIR and the evidence of P.W.1 would vouchsafe the above statement. The Tribunal has also taken into account that the vehicle was driven by a minor and therefore, has fixed a contributory negligence of 10% on the minor. Therefore, the said finding and order cannot be faulted. Likewise the quantum of award is reasonable and does not call for any interference. Hence, this Civil Miscellaneous Appeal is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

24.06.2022

bga

Index : Yes/No

Speaking / Non-speaking order



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CMA.No.653 of 2022

P.T.ASHA, J.

bga

To,

The Additional District Judge,

Motor Accident Claims Tribunal, Namakkal.

CMA.No.653 of 2022

&

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24.06.2022