



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2022

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN**

**C.M.A(MD)No.387 of 2019**

**and**

**C.M.P(MD)No.4723 of 2019**

The Managing Director,  
Tamil Nadu State Transport Corporation,  
Tirunelveli, Tirunelveli District.

.. Appellant /  
Respondent

Vs

1.Chandralekha

2.Minor ThavaNirtha

3.Minor Raghavi

[Minor Respondents 2 and 3 are  
represented through their mother  
and guardian, 1<sup>st</sup> respondent]

4.Sivaraj

5.Chellathal

.. Respondents /  
Petitioners

**PRAYER:** Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award, dated 28.04.2018, passed in M.C.O.P.No.178 of 2016 by the Motor Accident Claims Tribunal / Additional District Court, Dindigul.

For Appellant : Mr.P.Prabhakaran

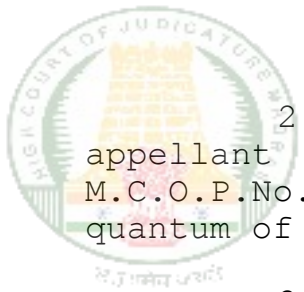
For Respondent No.1 : Mr.M.Aarumugam  
(No appearance)

For Respondents 4 & 5 : No appearance

#### **JUDGMENT**

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This Civil Miscellaneous Appeal is directed against the award, dated 28.04.2018, passed in M.C.O.P.No.178 of 2016 by the Motor Accident Claims Tribunal / Additional District Court, Dindigul.



2.The Tamil Nadu State Transport Corporation is the appellant herein, challenging the award of the Tribunal made in M.C.O.P.No.178 of 2016 on the grounds of negligence as well as quantum of compensation.

3.The husband of the first respondent, viz., Thangaraj died in the road transport accident and hence, the claim petition is filed.

4.The Tribunal has awarded a sum of Rs.16,99,000/- and hence, the appeal.

5.Heard the learned counsel for the appellant / Transport Corporation.

6.Recording the manner of the accident, it is the specific case of the claim petitioners that on the fateful day of 10.11.2015, the driver of the respondent Corporation bus drove the bus bearing Registration No.TN-72-N-1687 from Tirupur to Tiruchendur at about 16.00 hours and when the bus was coming near Thummachipalayam Bus Stop, at about 18.00 hours, the rider of the two wheeler bearing Registration No.TN-57-T-3521 came from the right side without any signal and drove the two wheeler with high speed, without adopting traffic rules, in a rash and negligent manner and suddenly crossed the main road, without noticing the coming bus.

7.Before the Tribunal, the Transport Corporation has filed counter statement specifically alleging that due to the negligent driving, the rider of the two wheeler had invited the accident. The vehicle was parked in the bus stop, i.e., from Tirupur to Tiruchedur. Without noticing the vehicle coming on the main road, the deceased as rider of the two wheeler coming from the by-line, had taken the turn and at that time the accident has happened and he sustained injuries and subsequently died.

8.The occurrence witness, viz., P.W.2, Rajeshkumar, deposed that the Transport Corporation bus was not parked in the bus stop, but it has already commenced its journey and near the turning without noticing the oncoming two wheeler from the by-line, had dashed against the two wheeler. The driver of the Transport Corporation bus, examined himself as R.W.1. He has deposed as stated by the Transport Corporation in the counter statement.

9.As per Ex.P.1, FIR as well as Ex.P.2, discharge summary and the evidence of occurrence witness, viz., P.W.2, I find that when the deceased was coming from the side line road, the bus driver R.W.1, drove the vehicle in a rash and negligent manner, which has resulted in the accident. A similar finding has been recorded by the Tribunal, which does not call for any interference at this stage. Accordingly, the contention of the appellant / Transport Corporation is hereby rejected.



10.On the point of quantum of compensation, the deceased is aged about 28 years at the time of the accident and proper multiplier has been adopted and Rs.6,000/- is fixed as notional income. The driving license of the deceased is also marked as Ex.P.7. The multiplier and deductions are more or less just and reasonable and hence, I do not find any valid reason to interfere with the award passed by the Tribunal and accordingly, this Civil Miscellaneous Appeal is liable to be dismissed.

11.In the result, this Civil Miscellaneous Appeal is dismissed and the award dated 28.04.2018 passed in M.C.O.P.No.178 of 2016 by the Motor Accident Claims Tribunal / Additonal District Court, Dindigul is confirmed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

smn

To

- 1.The Additional District Judge,  
Motor Accident Claims Tribunal,  
Dindigul.
- 2.The Record Keeper,  
Vernacular Section,  
Madurai Bench of Madras High Court,  
Madurai. (2 COPIES)

+1 CC to M/s.P. PRABHAKARAN, Advocate ( SR-20014[F] dated 21/04/2022 )

**C.M.A(MD)No.387 of 2019**  
**21.04.2022**

RD(03.06.2022) 3P 5C