



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.07.2023

CORAM:
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

C.M.A.No.338 of 2022

Rajadurai

...Appellant

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Villupuram Depot, Villupuram.

...Respondent

PRAYER : The Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 19.11.2021 in M.A.C.T.O.P.No.171 of 2013 on the file of the Motor Accident Claims Tribunal / Subordinate Judge, Gingee.

For Appellants : Mr.V.Suguna

For Respondent : Mr.S.S.Santhosakumar

J U D G M E N T

The Civil Miscellaneous Appeal is filed challenging the order of dismissal dated 19.11.2021 in M.A.C.T.O.P.No.171 of 2013 on the file of the Motor Accident Claims Tribunal / Subordinate Judge, Gingee.



2. The appellant/claimant filed the claim petition claiming a sum of Rs.10,00,000/- as compensation for the injuries sustained by him in the accident that took place on 30.04.2023. According to the appellant, on the date of accident i.e., on 30.04.2023 at about 4.30 p.m., while the appellant was travelling in the bus belonging to the respondent / Corporation, a group of persons belonging to the political party attacked the bus by using stones, as a result of which, the appellant sustained injuries; and hence, he was entitled to a claim of Rs.10,00,000/-.

3. The respondent/ Transport Corporation filed a counter statement, denying the averments made in the claim petition and stated that the bus belonging to the respondent was attacked by group of persons belonging to the political party with stones and the windshield of the bus was broken, due to which, the appellant sustained injuries. Hence, the respondent was not liable to pay compensation to the respondent. In any event, the compensation claimed by the appellant is excessive and prayed for dismissal of the claim petition.

4. Before the Tribunal, the appellant examined himself as P.W.1 and marked four documents as Exs.P1 to P2. The appellant/Transport Corporation examined one Thirumalai, the driver of the bus as R.W.1 but did not let in any documentary evidence.



5. The Tribunal considering the pleadings, oral and documentary evidence, dismissed the claim petition holding that the claim petition was not maintainable under Section 166 of the Motor Vehicles Act.

6. The learned counsel for the appellant submitted that the finding of the Tribunal that the respondent was not liable to pay the compensation is erroneous. The incident took place only because the appellant travelled in the bus belonging to the respondent. Therefore, even though, the appellant was injured on account of the attack made by the group of men belonging to a political party, the respondent is liable to pay the compensation.

7. Per contra, the learned counsel for the respondent submitted that admittedly the bus belonging to the respondent was attacked by group of persons belonging to the political party with stones and the windshield of the bus was broken, as a result of which, few passengers in the bus suffered injuries. This cannot be treated as an act of negligence on the part of the driver of the respondent/Corporation. Therefore, the Tribunal was right in rejecting the claim of the appellant.



8. The short question involved in the instant appeal is whether the respondent /Corporation is liable to pay the compensation on account of the injuries suffered by the appellant.

9. Admittedly, the appellant was a passenger in the bus belonging to the respondent /Corporation and on 30.04.2013, while the bus was going from Tiruvannamalai to Gingee, a few persons attacked the bus with stones, as a result of which, some of the passengers in the bus were injured. On the above facts, the appellant has filed the claim petition stating that he suffered injuries only because he travelled in the bus belonging to the respondent/ Corporation. This Court is of the view that such a petition is not maintainable against the respondent/ Corporation. The respondent is the victim in the incident and the driver of the bus belonging to the respondent / Corporation is also the victim in the incident. The appellant did not suffer any injuries on account of any negligent act on the part of the driver of the bus belonging to the respondent/ Corporation. Hence, no claim can be maintained under Section 166 of Motor Vehicles Act. The Tribunal was right in rejecting the claim filed by the appellant and there is no reason to interfere with the finding of the Tribunal.



WEB COPY

C.M.A.No.338 of 20



10. In the result, this Civil Miscellaneous Appeal is dismissed. No costs.

27.07.2023

Index: Yes/No

Internet: Yes/No

vkrr

To

1.The Motor Accident Claims Tribunal /
Subordinate Judge, Gingee.

2.The Section Officer
VR Section, High Court of Madras.



WEB COPY

C.M.A.No.338 of 20



SUNDER MOHAN,J.

vkf

C.M.A.No.338 of 2022

27.07.2023