



CMA.No.925 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 21.11.2023**

**CORAM: JUSTICE N.SESHASAYEE**

**CMA.Nos.925 of 2022**

R.Natarajan

... Appellant

-Vs-

1.Minor.Nandhakumar  
Rep. by next friend father  
Selvam  
2.Mr.K.Ganean

...Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the M.V.Act, 1988, against the Decree and Judgment dated 05.01.2021 passed in M.C.O.P.No.1079 of 2014 on the file of Motor Accident Claims Tribunal Cum Special Subordinate Court, Dharmapuri.

|               |                     |
|---------------|---------------------|
| For Appellant | : Mr.M.Selvam       |
| For R1        | : Mr.V.R.Annagandhi |
| For R2        | : died              |

**JUDGMENT**

The appellant herein is the owner of a two wheeler bearing Regn.No.TN 29 E 4908. He is now before the Court challenging the award passed by the Tribunal, wherein, it granted a compensation of Rs.1,21,960/- for the



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injury caused to a minor aged around 4 years. The accident had taken place on 25.04.2013. At the relevant time when the accident took place, the vehicle was driven by the second respondent. The Tribunal has fastened the liability jointly and severally on both the respondents in the claim petition. As indicated, this award is under challenge.

2.The learned counsel for the appellant submitted that the Tribunal had wrongly directed the appellant to share the liability, when it has found the second respondent negligent.

3.The learned counsel for the first respondent submitted that the second respondent died during the pendency of this case and he is stated to have deposited 50% of the compensation amount as awarded by the Tribunal prior to his death.

4.This Court perused the records and finds that there is hardly any infirmity in the award of the Tribunal. In deed, the owner of the vehicle will be liable for the negligence of the driver and it has been pointedly addressed to by the Tribunal.



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5.This Court does not find any merit in this appeal and accordingly, it is dismissed. Further, this Court is informed by the learned counsel for the first respondent that the sum awarded by the Tribunal has been deposited before the Tribunal. The claimant is entitled to withdraw the award amount along with proportionate interest and costs, less the amount if any, already withdrawn No costs.

21.11.2023

Tsg

To

1.The Motor Accident Claims Tribunal,  
Special Subordinate Court, Dharmapuri.

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



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**N.SESHASAYEE, J.,**

Tsg

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