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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.1867 of 2014
And
M.P.No.1 of 2014

The Executive Officer,
Chengam Town Panchayat,
Chengam Town,
Tiruvannamalai District. ... Appellant

Vs.

1.Vani @ Kalaivani

2.District Collector,
Tiruvannamalai District,
Tiruvannamalai.

3.The President,
Chengam Town Panchat Office,
Chengam Town,
Tiruvannamalai District.

4.Raman
5.Basheera Beebi

6.The Assistant Director
(Town Panchayat,
District Collector Office,
Vellore. ... Respondents

Prayer:

Civil Miscellaneous Appeal filed under Section 173 of the Motor

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Vehicles Act, 1988, to set aside the Decree and Judgment dated 30.08.2013 made in M.C.O.P.No.10 of 2011 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Tiruvannamalai and be pleased to dismiss the above claim as against the appellant.

For Appellant : M/s.M.E.Raniselvam

For Respondents : Mr.Mukund R.Pandian for R1
Dr.S.Suriya for R2 to R3 and R6
Additional Government Pleader
R4 – No Appearance
R5 – NRN

J U D G M E N T

The third respondent before the Motor Accidents Claims Tribunal is the appellant herein. This appeal has been filed seeking to set aside the order dated 30.08.2013 passed by the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Tiruvannamalai, in M.C.O.P.No.10 of 2011.

2.The brief facts of the case is that on 20.02.2010 at about 6.30a.m., the first respondent was cleaning her house. At that time, the tractor bearing Registration No.TN.25-E.9996 owned by the fifth respondent, driven by the fourth respondent in a rash and negligent

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manner hit against the first respondent and her house, due to which, the first respondent sustained injuries.

3.Thereafter, the injured claimant/ first respondent filed claim petition before the Motor Accidents Claims Tribunal, claiming compensation of Rs.15 Lakhs. After adjudication, the Motor Accidents Claims Tribunal awarded a sum of Rs.4,17,000/- with interest at the rate of 7.5% p.a. from the date of petition till the date of payment and proportionate costs and directed the respondents 1 to 4 and 6 therein to jointly and severally deposit the compensation. Aggrieved by the same, the appellant/ third respondent therein has filed this appeal.

4.The learned counsel appearing for the appellant submitted that the vehicle involved in the accident was owned by the fifth respondent and it was not used by the appellant/ The Executive Officer, Chengam Town Panchayat for cleaning Chengam Town. When there is no evidence in written contract, fastening the liability as against the District Collector and Town Panchayat is not sustainable one. The learned counsel further submitted that the fourth respondent may be working as a driver in the Town Panchayat, however, he is not

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authorized to drive the private vehicle owned by the fifth respondent. In the absence of any authorization, fixing the liability on the Government Officials is not sustainable one.

5.The learned counsel appearing for the first respondent submitted that even a bare perusal of the impugned judgment would make it clear that the appellant/ The Executive Officer of the Chengam Town Panchayat directed the fourth respondent driver to take the fifth respondent's vehicle for cleaning the Chengam Town. In that process, he drove the vehicle and accident took place. Hence, the appellant is liable to pay compensation and the impugned judgment warrants no interference.

6.Heard the learned counsel appearing for the appellant, the learned counsel appearing for the first respondent as well as the learned counsel appearing for the respondents 2, 3 and 6 and perused the materials available on record.

7.Admittedly, on 20.02.2010 at about 6.30 a.m., when the first respondent was cleaning her house, the tractor owned by the fifth respondent was driven by the fourth respondent in a rash and

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negligent manner and hit against the first respondent and her house, due to which, the first respondent sustained injuries.

8.Though the appellant claim that there is no contract to use the fifth respondent's vehicle for cleaning the Chengam Town, the fourth respondent/ driver/ employee of the appellant in his evidence has categorically admitted that the third respondent/ President of the Chengam Town Panchayat and the appellant/ The Executive Officer, Chengam Town Panchayat directed him to take the vehicle owned by the fifth respondent to clean the Chengam Town Panchayat, based on which, the Tribunal passed the impugned judgment. Further, the amount awarded by the Tribunal is also just and reasonable. Hence, the impugned judgment warrants no interference.

9.The civil miscellaneous appeal stands dismissed. The Judgment and Decree dated 30.08.2013 passed in M.C.O.P.No.10 of 2011 by the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Tiruvannamalai, is confirmed.

10.The appellant is directed to deposit the award amount before the Tribunal within a period of four weeks from the date of receipt of a

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copy of this order, less the amount if any, already deposited. On such deposit being made, the claimant/ first respondent is permitted to withdraw the award amount, along with accrued interest and proportionate costs, on making proper and necessary application before the Tribunal.

11.The civil miscellaneous appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

19.10.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No

To

1.The Motor Accidents Claims Tribunal,
Chief Judicial Magistrate,
Tiruvannamalai.

2.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

3.The President,
Chengam Town Panchayat Office,
Chengam Town,
Tiruvannamalai District.

4.The Assistant Director
(Town Panchayat),
District Collector Office,
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