



C.M.A.(MD).No.1062 of 2011

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 15.06.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

C.M.A(MD)No.1062 of 2011

and

M.P(MD) No.1 of 2011

M/s.Tamil Nadu State Transport Corporation Ltd.,  
Pudukottai.

... Appellant/3<sup>rd</sup> Respondent

-vs-

1. Karuppayee

... 1<sup>st</sup> Respondent / Petitioner

2. Madhavan

3. Rengaiyan

... Respondents 2 and 3/  
Respondents 1 & 2

**PRAYER:** Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, amended by Motor Vehicles (Amendment) Act, 1994 against the judgment and award dated 18.09.2008 made in M.C.O.P.No.62 of 2007, on the file of the Motor Accidents Claims Tribunal/Additional District Judge, Fast Track Court, Pudukottai.

For Appellant : Mr.Royce Emmanuel. S

For Respondents : No appearance



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## **J U D G M E N T**

The present Civil Miscellaneous Appeal has been filed by the third respondent/Insurance Company in the claim petition challenging the award passed by the Motor Accidents Claims Tribunal/Additional District Judge, Fast Track Court, Pudukottai, in M.C.O.P.No.62 of 2007 primarily on the ground of negligence and quantum.

2. According to the injured claimant, she is a load woman and she travelled in the second respondent's Trailer which was annexed with the first respondent's Tractor on 21.02.2006, when an accident took place at about 07.15 p.m. According to the claimants, the driver of the Tractor had dashed against the Transport Corporation bus which was coming from the opposite direction resulting in multiple grievous injuries to the petitioner and others who were travelling in the trailer and the bus. Therefore, the accident has happened only due to the rash and negligent driving on the part of the driver of the Tractor as well as the Transport Corporation bus. The claimant has prayed for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) towards compensation.



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3. The Transport Corporation had filed a counter contending that the driver of the Tractor alone was responsible for the said accident and therefore, the Transport Corporation is not liable to pay any compensation.

4. The Tribunal, after considering the oral and documentary evidence, came to a conclusion that the Trailer has got capsized in the said accident and the bus has dashed against a tamarind tree which would indicate that the driver of both the vehicles have driven the respective vehicles in a rash and negligent manner. Thereafter, the Tribunal had fixed a compensation at Rs.50,000/- (Rupees Fifty Thousand only). This award is under challenge in the present appeal filed by the Transport Corporation.

5. The learned counsel appearing for the appellant/Transport Corporation has contended that the accident has taken place solely due to the rash and negligent driving on the part of the Tractor driver. Therefore, the Tribunal has not properly appreciated the oral evidence and has arrived at an erroneous finding that the driver of the Transport Corporation bus is also responsible for the said accident.



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6. Though the claimant has been served, he has not chosen to appear before this Court either in person or through his counsel.

7. The driver of the Tractor has been examined and during his cross examination, he had admitted the fact that the driver of the vehicle had driven in a rash and negligent manner and after the accident the Trailer has got capsized. The bus has dashed against the tamarind tree on the road side. Therefore, it is clear that the driver of both the vehicles had driven in a rash and negligent manner. This Court does not find any reason to interfere in the said finding of the Tribunal.

8. Considering the fact that a sum of Rs.50,000/- (Rupees Fifty Thousand only) alone has been awarded as compensation, this Court does not any merit in the appeal.



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9. Accordingly, this Civil Miscellaneous Appeal stands dismissed.

There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

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NCC : Yes/No  
Index : Yes / No  
Internet : Yes / No  
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To

1. The Motor Accidents Claims Tribunal/  
Additional District Judge, Fast Track Court,  
Pudukottai.

2. The Section Officer,  
Vernacular Records,  
Madurai Bench of Madras High Court,  
Madurai.



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**R.VIJAYAKUMAR,J.**

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