



C.M.A(MD)Nos.279 to 282 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.M.A(MD)Nos.279 to 282 of 2016

C.M.A(MD)No.279 of 2016:

The Managing Director,
M/s.Tamil Nadu State Transport Corporation,
Collector's Office Road,
Periyamilaguparai,
Trichy-620 001.

... Appellant/Respondent

Vs.

1.T.Marudai

2.M.Saravanan

3.M.Andavar

... Respondents/Petitioners

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, to set aside the judgment and decree passed by the Motor Accident Claims Tribunal, Sub Judge, Kulithalai in M.C.O.P.No. 288 of 2010.

C.M.A(MD)No.280 of 2016:

The Managing Director,
M/s.Tamil Nadu State Transport Corporation,
Collector's Office Road,
Periyamilaguparai,
Trichy-620 001.

... Appellant/Respondent



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A.Rajasekar

Vs.

... Respondent/Petitioner

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, to set aside the judgment and decree passed by the Motor Accident Claims Tribunal, Sub Judge, Kulithalai in M.C.O.P.No. 289 of 2010.

C.M.A(MD)No.281 of 2016:

The Managing Director,
M/s.Tamil Nadu State Transport Corporation,
Collector's Office Road,
Periyamilaguparai,
Trichy-620 001.

... Appellant/Respondent

Vs.

S.Anandaraj

... Respondent/Petitioner

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, to set aside the judgment and decree passed by the Motor Accident Claims Tribunal, Sub Judge, Kulithalai in M.C.O.P.No. 290 of 2010.

C.M.A(MD)No.282 of 2016:

The Managing Director,
M/s.Tamil Nadu State Transport Corporation,
Collector's Office Road,
Periyamilaguparai,
Trichy-620 001.

... Appellant/Respondent



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M.Andavar

Vs.

... Respondent/Petitioner

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, to set aside the judgment and decree passed by the Motor Accident Claims Tribunal, Sub Judge, Kulithalai in M.C.O.P.No. 291 of 2010.

For Appellant : Mr.D.Sivaraman
(In all cases)

For Respondents : No Appearance
(In all cases)

COMMON JUDGMENT

All the appeals have been filed challenging the award passed by the Motor Accident Claims Tribunal, Kuzhithalai in M.C.O.P.Nos.288 to 291 of 2010 primarily on the ground of negligence.

2. The claimants in M.C.O.P.No.288, 289 and 291 of 2010 were occupants of an Ambassador car. The claimant in M.C.O.P.No.290 of 2010 was the driver of the said Ambassador car. According to the claimants, one of the occupants of the Ambassador car, namely Shankar had passed away and his legal heirs have preferred M.C.O.P.No.288 of



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2010 and other claim petitions have been filed by the injured claimants.

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3. According to the claim petitioners, when the Ambassador car was proceeding towards Sithalavai on 22.10.2006 at about 11.45 a.m., in Trichy-Karur National Highways, a bus belonging to the respondent corporation came in the opposite direction in a rash and negligent manner and dashed against the Ambassador car. In the said accident, the car turned towards east and all the persons inside the car sustained multiple injuries. In M.C.O.P.No.288 of 2010, a sum of Rs.7,00,000/- was claimed for the death of Shankar who was the occupant of the car. In M.C.O.P.No.289 of 2010, a sum of Rs.20,000/- was claimed as compensation. In M.C.O.P.No.290 of 2010, a sum of Rs.5,00,000/- was prayed for as compensation. In M.C.O.P.No.291 of 2010, a sum of Rs.5,00,000/- was prayed for as compensation.

4. The transport corporation has filed a counter contending that the driver of the said corporation had driven the vehicle with care and caution from Coimbatore to Thanjavur. However, the driver of the Ambassador car had driven the vehicle in a rash and negligent manner and seeing the zigzag driving of the Ambassador car, the driver of the corporation bus had stopped the bus. Even thereafter, the Ambassador car had dashed against the respondent bus and caused the accident.



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Therefore, the corporation is not liable to pay any compensation.

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5. The claimants were examined as P.W.2 to P.W.4 in the claim petitions. They have categorically stated that the driver of the corporation bus has driven the vehicle in a rash and negligent manner and he was solely responsible for the said accident. The driver of the Ambassador car was examined as P.W.3 and he has categorically contended that the bus came on the wrong side of the road and caused the accident. The tribunal has also relied upon the judgment of the criminal Court which has arrived at a finding that an F.I.R has been registered as against the driver of the Ambassador car, only to safeguard the employment of the driver of the corporation bus. Based upon the oral evidence let in by the claimants which remained undisturbed during cross examination, the tribunal arrived at a finding that the accident has taken place only due to the rash and negligent driving on the part of the driver of the transport corporation.

6. In M.C.O.P.No.288 of 2010, the tribunal has awarded a sum of Rs.3,36,860/-. In M.C.O.P.No.289 of 2010, the tribunal has awarded a sum of Rs.17,210/-. In M.C.O.P.No.290 of 2010, the tribunal has awarded a sum of Rs.2,08,100/-. In M.C.O.P.No.291 of 2010, the tribunal has awarded a sum of Rs.1,99,410/-.



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7. A perusal of the award of the tribunal clearly indicates that the awards neither excessive nor unreasonable. The appellant transport corporation has not chosen to file a rough sketch filed in the criminal Court proceedings and the Motor Vehicle Inspector's Report. These two documents would have clearly established the manner of accident and only then this Court would be in a position to decide whether the driver of the car was in any way responsible for the accident or not. In the absence of these 2 documents, this Court is constrained to rely upon P.W. 2 to P.W.4 and also an eye witness P.W.6. This Court does not find any merits in the appeals.

8. Hence, all the Civil Miscellaneous Appeals stand dismissed. No costs.

27.06.2023

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

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To

- 1.The Motor Accident Claims Tribunal,
Sub Judge,
Kulithalai.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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Judgment made in
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