



C.M.A.(MD).No.338 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.M.A.(MD).No.338 of 2023

and

C.M.P.(MD).No.4215 of 2023

The Managing Director,
State Express Transport Corporation Limited,
Pallavan Salai,
Chennai

... Appellant

Vs.

Muthunayagi (died)
1.Minor Logeswari
Nagu (died)

2.Mariyammal

3.Gomathi

4.Vasuki

(The respondents 2 to 4 are not necessary parties
and that they are given up)

... Respondents

PRAYER: Civil Miscellaneous Appeal has been filed under Section 173 of the Motor Vehicles Act, 1988, against the award made in M.C.O.P.No.544 of 2014, dated 02.06.2022 on the file of the Motor Accident Claims Tribunal, Special District Court, Madurai.

For Appellant

: Mr.P.Prabhakaran



C.M.A.(MD).No.338 of 2023

J U D G M E N T

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Challenging the liability fixed on the driver of the Transport Corporation bus by the Motor Accident Claims Tribunal (Special District Court), Madurai in M.C.O.P.No.544 of 2014, dated 02.06.2022, the appellant/Transport Corporation has preferred this Civil Miscellaneous Appeal.

2. The learned counsel appearing for the appellant/Transport Corporation would fairly submit that the quantum fixed by the Tribunal is reasonable. However, the entire liability has been fixed on the driver of the Transport Corporation bus. Therefore, he sought interference of this Court.

3. The brief facts leading to the filing of this appeal is as follows:

The deceased was a Contractor (Mason) by profession and on 08.09.2013, he travelling along with four other persons in a Mini Van bearing Reg.No.TN-59-BZ-9155 from North to South and while they tried to enter into the service road, the Transport Corporation bus bearing Reg.No.TN-01-N7555 coming behind in a rash and negligent manner and dashed against the Mini Van. As a result, the deceased succumbed to injuries.



C.M.A.(MD).No.338 of 2023

4. Before the Tribunal, on the side of the claimants, P.Ws.1 and 2 were examined and Exs.P1 to P16 were marked, on the side of the respondent R.W.1 was examined and no document was marked on the side of the respondent.

5. The Tribunal, after considering the oral evidence on the side of the claimants as well as the respondent, came to the conclusion that only the driver of the Transport Corporation bus was rash and negligent in driving the bus. It is relevant to note that the bus was coming behind the Mini Van and there must be some reasonable distance will be maintained by the driver of the bus. When the Mini Van trying to enter into the service road, the bus coming behind and dashed against the Mini Van. That itself clearly indicates that the driver of the bus has not maintained a reasonable distance with the Mini Van, which resulted in the accident. Therefore, the contention of the learned counsel for the appellant that the negligence is also on the part of the Mini Van cannot be countenanced.

6. In such a view of the a matter, the finding of the Tribunal that the driver of the Transport Corporation bus was negligent in driving the bus, which does not require any interference by this Court. The quantum of compensation awarded by the Tribunal has not been disputed by the learned counsel for the



C.M.A.(MD).No.338 of 2023

appellant and the only challenge is to the liability fixed on the Transport Corporation bus.

7. As discussed above, if a reasonable distance is maintained by the driver of the Transport Corporation bus, the accident would not have happened. Hence, the award passed by the Tribunal does not require any interference.

8. In the result, the Civil Miscellaneous Appeal is dismissed and the award passed by the Motor Accident Claims Tribunal (Special District Court), Madurai in M.C.O.P.No.544 of 2014, dated 02.06.2022 is confirmed.

9. In view of the dismissal of the appeal, the appellant/Transport Corporation is directed to deposit the entire award amount with accrued interest and costs, within a period of eight weeks from the date of receipt of a copy of this order, if not deposited already. On such compliance, the claimants are permitted to withdraw their share as apportioned by the Tribunal. No costs. Consequently, the connected Miscellaneous Petition is closed.

10.04.2023

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C.M.A.(MD).No.338 of 2023

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To
The Motor Accident Claims Tribunal,
Special District Court,
Madurai.



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C.M.A.(MD).No.338 of 2023

N.SATHISH KUMAR,J.

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C.M.A.(MD).No.338 of 2023

10.04.2023