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C.M.A.No.574 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2024

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A. No.574 of 2021 and C.M.P. No.3562 of 2021

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Villupuram Division No.1,
Tiruvannamalai Region,
Tiruvannamalai to Vellore Bypass Road,
Vengikkal, Tiruvannamalai.

.. Appellant

vs.

1.Muniammal

2.Muniappan

3.Amudha

.. Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the decree and judgment dated 13.08.2019 made in M.C.O.P. No.623 of 2017 on the file of the Motor Accidents Claims Tribunal, Special Subordinate Court, Tiruvannamalai.

For Appellant : Mr.K.J.Sivakumar

For Respondents : Mr.Terry Chella Raja

JUDGMENT



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This appeal has been filed by the appellant/Transport Corporation, challenging its liability to pay compensation to the respondents/claimants.

2.Under the impugned Award, the appellant/Transport Corporation has been directed to pay compensation of Rs.6,50,800/- to the respondents/claimants as detailed hereunder:

Sl.Nos.	Heads	Amount
1.	Loss of income	Rs.5,80,800/-
2.	Loss of consortium	Rs. 40,000/-
3.	Loss of estate	Rs. 15,000/-
4.	Funeral expenses	Rs. 15,000/-
	Total	Rs.6,50,800/-

3.In the present appeal, the appellant/Transport Corporation has not questioned the quantum of compensation awarded by the Tribunal, but, has primarily challenged its liability to pay compensation on the ground that the death of the deceased was not caused by the negligence of the driver of the bus, owned by the appellant/Transport Corporation.

4.Admittedly, in the case on hand, an F.I.R. was registered only



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against the driver of the bus, owned by the appellant/Transport Corporation, due to his rash and negligent driving. The deceased also died on the next day of the accident. The witnesses examined on the side of the respondents/claimants have also deposed before the Tribunal that the deceased died only due to the accident on account of the rash and negligent driving of the driver of the bus, owned by the appellant/Transport Corporation.

5.As seen from the evidence available on record, excepting for examining witnesses, which include the driver and conductor of the bus, no independent witness has been examined by the appellant/Transport Corporation to disprove the contents of the F.I.R. as well as the deposition of the witnesses examined on the side of the respondents/claimants. The Post Mortem Certificate, which was marked as Ex.P.2 before the Tribunal does not also reveal that the deceased was having a pre-existing disease which was also the cause for his death. The deceased, when boarded the bus, due to the rash and negligent driving of the driver, fell down from the bus, which resulted in his death. As seen from the evidence available on record, no contra evidence has been produced by the appellant/Transport Corporation to disprove the same.



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6.The Tribunal, only after giving due consideration to the evidence available on record, based on the preponderance of probability, has rightly held that the driver of the bus, owned by the appellant/Transport Corporation is alone responsible for the cause of the accident, which resulted in the death of the deceased.

7.This Court does not find any infirmity in the findings of the Tribunal with regard to the negligence of the driver of the bus, owned by the appellant/Transport Corporation.

8.For the foregoing reasons, this Court does not find any merit in this appeal. Accordingly, this appeal is dismissed. No costs. Consequently, connected petition is closed.

10.06.2024

vga

To



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1.The Motor Accidents Claims Tribunal,
The Special Subordinate Court,
Tiruvannamalai.

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



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ABDUL QUDDHOSE, J.

vga

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