



C.M.A.No.1566 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2024

C O R A M

THE HON'BLE MR. JUSTICE **KRISHNAN RAMASAMY**

C.M.A.No.1566 of 2023

The Managing Director,
Tamilnadu State Transport Corporation,
12, Ramakrishna Road,
Salem-636 007

...Appellant

Vs

S.Thamilarasan

... Respondent

Prayer:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree made in MCOP.No.819 of 2020 dated 15.09.2022 on the file of the Motor Accident Claims Tribunal/Special Subordinate Court-1, Salem.

For Appellant : Mr.D.Nitin

For Respondent : Mr.C.Suresh



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JUDGMENT

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This Civil Miscellaneous Appeal has been filed by the appellant/Transport Corporation, questioning the fixation of negligence and fastening the liability while granting the compensation by the Motor Accident Claims Tribunal/Special Subordinate Court-1, Salem in the Award dated 15.09.2022 in M.C.O.P.No.819 of 2020.

2. The brief facts of the case are that on 19.03.2020, when the claimant/respondent was riding a motor cycle bearing Reg.No.TN-30-AV-3272 on Jalakadnapuram to Tharamangalam main road, at about 9.00 hours, when he was proceeding near a Private hospital at Selavadi village, a bus bearing Reg.No.TN-30-N-1327 owned by the appellant Corporation, came in opposite direction in a rash and negligent manner with high speed and hit against the claimant's motorcycle. As a result of the said accident, the claimant sustained grievous injuries. Hence, the claimant filed a petition before the Tribunal, claiming compensation for a sum of Rs.15,00,000/-.

3. On consideration of both oral and documentary and by applying per



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centage method, the Tribunal has awarded a sum of Rs.3,36,741 towards compensation and fixed the entire negligence on the part of the driver of the bus owned by the appellant Corporation and fastened the liability on the part of the appellant Corporation.

4. On a careful perusal of the award passed by the Tribunal, this Court finds that the Tribunal has elaborately discussed on every aspect of the matter particularly, negligence aspect by taking into consideration of the evidence of the claimant as PW.1 and the driver of the bus as RW.1 and their cross-examination and also taking into account the AR Register, which was marked as Ex.B2 and came to the conclusion that the accident had occurred due to rash and negligent driving on the part of the driver of the bus owned by the appellant/transport Corporation bus and accordingly, fastened the liability on the appellant Corporation. Even though the learned counsel for the appellant contends that the negligence and liability has to be redetermined, he is unable to bring out anything contrary to the evidence of PW1 and RW1.



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KRISHNAN RAMASAMY,J.

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5. In such circumstances, this Court is not inclined to accept the contrary submission made on behalf of the appellant and thus, the negligence as well as liability fixed by the Tribunal is just and proper and I am unable to trace out anything incorrect as contended by the learned counsel for the appellant. Thus, this Court does not find any infirmity in the findings arrived at by the Tribunal on the aspects viz., negligence and liability and accordingly, the award stands confirmed.

6. In the result, this Civil Miscellaneous Appeal fails and it is dismissed.

No costs.

18.03.2024

Index: Yes/No

Internet: Yes/No

Speaking order/Non-speaking order

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To:

The Motor Accident Claims Tribunal/
Special Subordinate Court-1, Salem.

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