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CMA.No.349 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.M.A.No.349 of 2023 and
C.M.P.No.2887 of 2023

The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem - 7.

... Appellant

VS.

1. Chinnappa
2. Madhina
3. Noorjahan
4. Sharmila Banu
5. Ali Basha
6. Janath BeeBee
7. Fathima
8. Madhar
9. Rabija
10. Mumtaz
11. Muhamatha
12. Sheik Mohamed

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the



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Motor Vehicles Act, 1988, against the Award, dated 21.06.2017 in M.C.O.P.690/2013 on the file of the Motor Accident Claims Tribunal, Principal District Court, Namakkal.

For Appellant : Mr.D.Raghu

For Respondents : No appearance

J U D G M E N T

The present appeal is filed by the appellant, the Managing Director, Tamil Nadu State Transport Corporation, Salem against the Award of the Motor Accident Claims Tribunal, Namakkal in M.C.O.P.690/2013.

2. The respondents/claimants filed the claim petition under Section 166 of Motor Vehicles Act, in M.C.O.P.690/2013 before the Motor Accident Claims Tribunal, Namakkal, seeking compensation of Rs.5,00,000/- for the death of one Shagina Beebee (mother of claimants 1, 5, 6, 7, 8, 9, 10 and 11, mother in law of claimant 2 and grandmother of claimants 3 and 4) in a road accident which happened on 05.01.2013.

3. The brief case of the claimants is as follows :

On 05.01.2013, Shagina Beebee (deceased) was walking along



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Namakkal - Kattuputhur main road. When she was about to cross the road, a speeding bus bearing Registration number TN 30 N 0205 belonging to the appellant, Tamil Nadu State Transport Corporation, hit her, resulting in her instantaneous death.

4. According to the claimants, the rash and negligent driving of the driver of the bus bearing Registration Number TN 30 N 0205 belonging to the Tamil Nadu State Transport Corporation was the cause of the accident and therefore, the appellant is liable to pay compensation to them.

5. The Tribunal, after analysing the evidence on record, fastened negligence on the part of the driver of the bus and awarded compensation of Rs.2,12,000/- together with interest at the rate of 7.5% per annum from the date of petition till the date of realisation vide, its orders dated 21.06.2017.

6. Aggrieved over the quantum of compensation and the negligence fastened on the part of the driver of the bus, the Tamil Nadu State Transport Corporation Limited has filed the present appeal under



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Section 173 of the Motor Vehicles Act.

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7. Heard Mr.D.Raghu, learned counsel for the appellant, Tamil Nadu State Transport Corporation.

8. Though notice was served on the respondents and their names are printed in the cause list, there is no representation on their behalf.

9. Mr.D.Raghu, learned counsel for the appellant contended that the deceased Shagina Beebee was mentally ill and she suddenly crossed the road unmindful of vehicular traffic, as a result of which the accident occurred. Hence, the entire negligence cannot be fastened on the driver of the bus bearing Registration number TN 30 N 0205.

10. A perusal of the records shows that FIR (Ex.P1) was registered against the driver of the bus for the offences punishable under Sections 279 and 304 (A) I.P.C., based on the complaint given by one Subramanian, Village Administrative Officer of N.Pudupatti village. In



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the complaint of Village Administrative Officer, it has been stated that the deceased was mentally challenged. However, no acceptable evidence was adduced on the side of the respondents to substantiate the same. The eyewitness examined on the side of the claimant has spoken about the rash and negligence driving of the bus by its driver and there is no good ground to discard his evidence. In the circumstances, the Tribunal was right in fastening negligence on the part of the driver of the bus belonging to the appellant.

11. The Tribunal has also awarded just compensation and therefore I do not see any reason to interfere with the same. Accordingly, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

13.09.2024

Index : Yes/No
Speaking/Non-speaking order
Neutral citation : Yes / No
vum

R.HEMALATHA, J.

vum

To

1.The Motor Accident Claims Tribunal,

5/6



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Principal District Court, Namakkal.

2. The Section Officer, VR Section,
Madras High Court, Chennai.

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