



CMA.No.3021 of 2023
and C.M.P.No.28595 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

CMA.No.3021 of 2023
and
C.M.P.No.28595 of 2023

The Managing Director
Tamil Nadu State Transport Corporation Limited,
(VIC-II) Periyamigaguparai
Trichy 620 001

... Appellant

vs.

1. S.A. Samandam
2. Sruti Rajeswari
3. Minor. Sahana

Minor represented by her father/Natural Guardian and Next Friend
S.A. Samandam.

4. M. Saminathan

... Respondents

Cause title accepted vide court order dated 15.11.2023 made in CMP
No.25551/2023 in CMA SR No.69899/2023.

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the
Motor Vehicles Act, 1988 against the Award dated 15.02.2023 in
M.C.O.P.No.1712 of 2009 on the file of the Exclusive Motor Accident
Claims Tribunal, Tiruppur.



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For Appellant : Mr. M. Murali Vinodh
For R1 to R3 : Mr. Somasundaar
R4 : No appearance.

JUDGMENT

Questioning the liability to pay compensation to the claimants for the death of one Theivanai (wife of the first claimant and mother of the claimants 2 and 3) in a road accident that took place on 12.07.2009, the present appeal is filed by the Managing Director, Tamil Nadu State Transport Corporation Limited, Trichy.

2. This Court, vide its orders dated 20.09.2023, in C.M.A.No.2179 of 2023, fastened negligence on the part of the driver of the bus (for the very same accident that took place on 12.07.2009). The relevant portion of the orders passed by the learned single Judge of this Court is extracted hereunder:

"From the materials available on record, this Court finds that the Tribunal held that the accident took place entirely due to negligence of the driver of the bus belonging to the



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appellant-Transport Corporation. Though the driver of the appellant-Transport Corporation was examined, his evidence was rejected by the Tribunal. In the facts and circumstances of the case, this Court finds no infirmity in the said finding. Further, in view of Ex.P8, the Tribunal found that the first respondent had suffered simple injuries and awarded a compensation of Rs.25,070/-. There is no infirmity in the said finding as well. Therefore, this Court is of the view that the appeal deserves to be dismissed."

3. In view of the above, the present Civil Miscellaneous Appeal stands dismissed. No costs. Consequently connected miscellaneous petition is closed.

27.08.2024

Index : Yes/No
Speaking/Non-speaking order
bga



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R.HEMALATHA, J.
bga

To

1. The Presiding Officer, Exclusive Motor Accident Claims Tribunal,
Tiruppur.
2. The Section Officer, V.R. Section, Madras High Court, Chennai.

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