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CMA.No.2441 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.M.A.No.2441 of 2024 and
C.M.P.No.19422 of 2024

The Managing Director,
Tamilnadu State Transport Corporation
(Salem) Limited,
Regional office, Bharathipuram,
Dharmapuri.

... Appellant

vs.

1. Kumaravel

2. Radha

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Award, dated 14.02.2022 in M.C.O.P.07/2020 on the file of the Motor Accident Claims Tribunal, Sub Court, Uthangarai.

For Appellant : Mr.D.Nitin

For Respondents : Mr.S.P.Yuvaraj

J U D G M E N T

The present appeal is filed by the appellant, the Managing



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Director, Tamilnadu State Transport Corporation, Dharmapuri against the Award passed by the Motor Accident Claims Tribunal, Uthangarai in M.C.O.P.07/2020. The two aspects which are disputed are the quantum of compensation and the fastening of negligence on the part of the driver of the bus belonging to the appellant.

2. The claimants filed a claim petition under Section 166 of Motor Vehicles Act, in M.C.O.P.07/2020 before the Motor Accident Claims Tribunal, Sub Court, Uthangari, seeking compensation of Rs.20,00,000/- for the death of their mother Murugammal in a road accident which happened on 10.02.2019.

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

On 10.02.2019, Murugammal (deceased) was travelling in a bus bearing Registration number TN 29 N 2137 belonging to the appellant Tamilnadu State Transport Corporation on Puliur - Uthangarai road. When they were nearing Kurugapatti, the driver of the bus drove the bus in a rash and negligent manner and applied sudden brake, as a result of which, Murugammal was thrown out of the moving bus and sustained



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injuries all over her body. She was immediately rushed to Government hospital, Uthangarai from where she was referred to Government Mohan Kumaramangalam Medical College Hospital, Salem. However, she succumbed to injuries the next day i.e., 11.02.2019.

4. According to the claimants, the rash and negligent driving of the driver of the bus bearing Registration Number TN 29 N 2137 belonging to the Tamilnadu State Transport Corporation was the cause of the accident and therefore, the appellant is liable to pay compensation to him.

5. The Tribunal, after analysing the evidence on record, fastened negligence on the part of the driver of the bus bearing Registration number TN 29 N 2137 and awarded compensation of Rs.4,56,000/- 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 14.02.2022.

6. Aggrieved over the quantum of compensation awarded by the



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Tribunal and the negligence fastened on the part of the driver of the bus, the Tamilnadu State Transport Corporation Limited has filed the present appeal under Section 173 of the Motor Vehicles Act.

7. Heard Mr.D.Nitin, learned counsel for the appellant, Tamilnadu State Transport Corporation and Mr.S.P.Yuvaraj, learned counsel appearing for the claimants / respondents.

8. Mr.D.Nitin, learned counsel for the appellant contended that the deceased was aged 65 years on the date of the accident and the claimants were not depending on her. However, the Tribunal had awarded a sum of Rs.4,56,000/- towards compensation. He also contended that since the deceased was old and aged 65 years, she lost her balance and fell down from the bus.

9. Per contra, Mr.S.P.Yuvaraj, learned counsel appearing for the claimants contended that the Tribunal has awarded just compensation of Rs.4,56,000/- and therefore the same need not be disturbed. He also contended that the Tribunal had rightly fastened negligence on the part of the driver of the bus belonging to the Tamilnadu State Transport



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10. The contention of the learned counsel for the appellant that since the deceased was aged 65 years, she lost her balance and fell down from the bus, is not acceptable for the reason that it was the driver of the bus who was rash and negligent in driving the bus. Therefore, the Tribunal was right in fastening negligence on the part of the driver of the bus belonging to the appellant Transport Corporation. Apart from that, the Tribunal, in the absence of income proof, fixed the notional income of the deceased as Rs.6,000/-. The claimants are son and daughter. As far as our country is concerned, the relationship of the mother is important and both the claimants have lost their mother who was aged 65 years. The Tribunal had also followed the dictum laid down by the Hon'ble Supreme Court in *Sarla Verma and others vs. Delhi Transport Corporation and another* reported in (2009) 6 SCC 121 and *National Insurance Co. vs Pranay sethi and others* reported in 2017 (2) TNMAC 601. Thus, the total of compensation of Rs.4,56,000/- awarded by the Tribunal is just and reasonable.



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11. In the result,

(i) The Civil Miscellaneous Appeal is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

(ii) The Award passed in M.C.O.P.07 of 2022 dated 14.02.2022

by the Motor Accident Claims Tribunal, Sub Court, Uthangarai, is upheld.

09.09.2024

Index : Yes/No

Speaking/Non-speaking order

Neutral citation : Yes / No

vum

To

1.The Motor Accident Claims Tribunal,
Sub Court, Uthangarai.

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



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R.HEMALATHA, J.

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