



WEB COPY



CMA.No.986 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.M.A.No.986 of 2024 and
C.M.P.Nos.9194 & 14607 of 2024

The Managing Director,
Tamilnadu State Transport Corporation
(Villupuram) Limited,
Having Regional Office at
Rangapuram, Vellore.

... Appellant

VS.

1. Girija
2. Narmadha
3. Nandhini

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Award, dated 30.11.2022 in M.C.O.P.220/2019 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Gudiyatham, Vellore District.

For Appellant : Mr.T.Chandrasekaran

For Respondents : Mr.G.Vinoth Kumar



WEB COPY



CMA.No.986 of 2024

JUDGMENT

Questioning the negligence fastened on the part of the driver of the Tamil Nadu State Transport Corporation bus (TNSTC), the present appeal is filed by the appellant, the Managing Director, Tamilnadu State Transport Corporation, Vellore.

2. The respondents filed the claim petition under Section 166 of Motor Vehicles Act, 1988 in M.C.O.P.220/2019 before the Motor Accident Claims Tribunal, Subordinate Court, Gudiyatham, Vellore, seeking compensation of Rs.40,00,000/- for the death of one Nandhakumar (son of the 1st claimant and brother of the claimants 2 and 3) in a road accident which happened on 21.06.2019.

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

On 21.06.2019, Nandhakumar (deceased) was riding a two-wheeler bearing Registration number TN-23-CL-8020 on Arcot-Thimiri road and at about 6.00 p.m., when he was nearing Thenkazhani junction, a speeding TNSTC bus bearing Registration number TN-23-N-0518, hit



CMA.No.986 of 2024

the two wheeler, as a result of which, Nandhakumar sustained injuries all over his body. He was immediately rushed to Government Hospital, Arcot. However, he died on the way to hospital.

4. According to the claimants, the rash and negligent driving of the driver of bus bearing Registration Number TN-23-N-0518 belonging to the Tamilnadu State Transport Corporation was the cause of the accident and therefore, the Transport Corporation 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 bearing Registration number TN-23-N-0518 and directed the appellant to pay compensation of Rs.18,94,400/- 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 30.11.2022.

6. Questioning the negligence fastened on the part of the driver of the bus, the Tamilnadu State Transport Corporation Limited has filed



CMA.No.986 of 2024

the present appeal under Section 173 of the Motor Vehicles Act.

WEB COPY

7. Heard Mr.T.Chandrasekaran, learned counsel for the appellant, Tamilnadu State Transport Corporation and Mr.G.Vinoth Kumar, learned counsel appearing for the claimants / respondents.

8. Mr.T.Chandrasekaran, learned counsel for the appellant contended that the rider of the two wheeler was in an inebriated condition at the time of accident as per the records, but the Tribunal has fastened negligence on the part of the driver of the TNSTC bus. He also relied on the copy of the postmortem report wherein the doctor has mentioned that his stomach contained 226 mg of ethyl alcohol. He therefore, prayed for setting aside the order of the Tribunal.

9. Per contra, Mr.G.Vinoth Kumar, learned counsel appearing for the claimants contended that the postmortem certificate was not marked before the Tribunal and therefore the same cannot be relied upon at this appellate stage.

10. In the decision in *Nagappa vs. Gurudayal Singh & Ors.*



CMA.No.986 of 2024

reported in **2004-2-TNMAC 398 SC** it has been held that the consumption of alcohol is not prohibited but it shall be proved how it contributed to the accident. The percentage of alcohol in the blood also was not quantified. More over, the manner of accident clearly shows that the driver of the bus bearing Registration number TN-23-N-0518 was responsible for the accident.

11. The appellant did not question the quantum of compensation awarded by the Tribunal. The Tribunal 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 petitions are closed.

26.09.2024

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

To

1. The Motor Accident Claims Tribunal,
Subordinate Court, Gudiyatham,
Vellore District.

2. The Section Officer, VR Section,



Madras High Court, Chennai.

WEB COPY



CMA.No.986 of 2024

R.HEMALATHA, J.

vum

C.M.A.No.986 of 2024 and
C.M.P.Nos.9194 & 14607 of 2024



WEB COPY



CMA.No.986 of 2024

26.09.2024