



CMA.No.33 & 34 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2024

CORAM:

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

CMA.No.33 & 34 of 2024
& CMP.Nos.279 & 282 of 2024

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Salem Branch Office (HO),
No.12, Ramakrishna Road,
Srirangapalayam, Salem 636 007. ... Appellant in both CMAs

-Vs-

1.Divya ...Respondent in CMA/33/2024
2.Arun ... Respondent in CMA/34/2024

Common Prayer: Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree passed by Hon'ble Motor Accidents Claims Tribunal Special Subordinate Court-2, Salem in M.C.O.P.699 & 700 of 2021 on 20.01.2023.

In both CMAs:

For Appellant : Mr.D.Nitin
For Respondent : No appearance

COMMON JUDGMENT



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Challenging the fixation of negligence and liability against the driver of the appellant/Transport Corporation, these two appeals have been filed.

2.The main contention of the appellant is that the accident occurred due to the rash and negligent driving on the part of the driver of the car bearing Regn.No.KA 53 P 6484. The car was driven by the husband and the wife was sitting next to him. Due to the accident, they sustained severe injuries. An FIR was filed against the driver of the bus and after the FIR, charge sheet too has been filed and a criminal case is also pending.

3.The learned counsel for the appellant submitted that in the present case, RW1, driver of the bus has deposed that only due to the rash and negligent driving on the part of the driver of the car, the accident occurred. However, the said aspect was not taken into consideration by the Tribunal. Therefore, he would submit that the liability fastened against the driver of the bus has to be redetermined based on the evidence.



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4. None appeared on behalf of the contesting respondents/claimants.

5. I have given due consideration to the statements made by the learned counsel for the appellant.

6. On a perusal of Ex.P1, FIR shows that the accident occurred due to the rash and negligent driving on the part of the driver of the bus. The claimants/ PW1 & PW2, have deposed that the accident occurred due to the rash and negligent driving on the part of the driver of the bus. However, to controvert PW1 and PW1 evidence, nothing has been culled out in the cross-examination of PW1 and PW2, against them and in favour of the Transport Corporation. Even RW1 in his cross-examination has stated that the accident occurred due to break failure. He has deposed that he had informed his higher Authorities about the break failure and that they had not taken any steps to rectify the defect. A combined reading of PW1 and PW2 deposition, Ext.P1, FIR and RW1 deposition shows that the cause for the accident was the driver of the bus and therefore, I do not find any fault in the decision making process on the part of the Tribunal.



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7.Hence, there is no merit in these appeals and accordingly, they are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

09.02.2024

Tsg

To

- 1.The Motor Accidents Claims Tribunal,
Special Subordinate Court-2, Salem.
- 2.The Section Officer,
V.R.Section, High Court, Madras.

KRISHNAN RAMASAMY, J.,

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