



C.M.A.No.1822 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

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THE HON'BLE MRS. JUSTICE R. HEMALATHA

C.M.A.No.1822 of 2024

and

C.M.P.No.14360 of 2024

The Managing Director,
Tamil Nadu State Transport Corporation Ltd. (Villupuram),
Villupuram. ... Appellant

Vs.

1.G.Kala
2. G.Vedagiri
3.G.Raj
4.G.Rajeswari ... Respondents

PRAYER: Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988 challenging the Judgment and Decree dated 13.10.2022 made in M.C.O.P. No.1894 of 2021 on the file of the Motor Accidents Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.

For Appellant : Mr.T.Chandrasekaran

For Respondents : Ms.Ramya V. Rao



JUDGMENT

WEB COPY The appellant is the respondent in M.C.O.P. No.1894 of 2021 on the file of the Motor Accidents Claims Tribunal, Chief Judge, Court of Small Causes, Chennai. The present appeal is filed challenging the liability to pay compensation.

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

On 03.03.2021, Gajendran (deceased) was travelling as a passenger in a bus bearing registration No.TN 32 N 4614 belonging to the Tamil Nadu State Transport Corporation Ltd. (Villupuram) on Chennai - Puducherry East Coast Road. The driver of the bus drove the vehicle rashly and negligently, as a result of which Gajendran (deceased) was thrown out of the bus and sustained multiple injuries all over his body. He was immediately rushed to the Hospital. However, he succumbed to injuries on 12.03.2021.

3. According to the claimants, the rash and negligent driving of the driver of the bus belonging to the Tamil Nadu State Transport Corporation Ltd. (Villupuram) was the cause of the accident and therefore, they are



liable to pay compensation to them.

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4. The Tamil Nadu State Transport Corporation Ltd. (Villupuram) filed a counter and the Tribunal after analysing the evidence on record fixed the negligence on the part of the driver of the bus and awarded a sum of Rs.20,72,420/- towards compensation together with interest at the rate of 7.5% per annum from the date of petition till the date of realisation, vide its order dated 13.10.2022.

5. Aggrieved over the same, the present appeal is filed.

6. Heard Mr.T.Chandrasekaran, learned counsel appearing for the Tamil Nadu State Transport Corporation Ltd. (Villupuram), the appellant and Ms.Ramya V.Rao, learned counsel appearing for the respondents.

7. Mr.T.Chandrasekaran, learned counsel for the Tamil Nadu State Transport Corporation Ltd. (Villupuram) contended that since the deceased was travelling on the foot-board of the bus, the Tamil Nadu State Transport Corporation Ltd. (Villupuram) is not liable to pay compensation to the claimants.



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R. HEMALATHA. J.,

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8. It is the duty of the driver / conductor of a bus to see that all the passengers have safely boarded the bus. The driver should not move his bus if he sees any one travelling on the foot-board. Since the driver of the bus has failed in his duty, fastening negligence on his part by the Tribunal cannot be found fault with. Therefore, the appeal stands dismissed. No Costs. Consequently, the connected miscellaneous petition is closed.

19.08.2024

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
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To

1. The Motor Accidents Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.
2. The Section officer, Record Section, High Court of Madras.

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(2/2)**