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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.M.A.No.1953 of 2024 &
C.M.P. No.15177 of 2024

The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavansalai,
Chennai 600 002.

... Appellant

..Vs..

1. Nisha
2. Abdul Malik
3. Benazir Banu
4. Kajamohideen
5. Mumtaj

...Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the award passed by the Motor Accidents Claims Tribunal (VI Court of Small Causes), Chennai, in M.C.O.P.No.7533 of 2015 dated 09.02.2022

For Appellant : Mr.A. Vinothraj

For Respondents : Mr. K. Balaji
for M/s. Ramya V Rao

JUDGMENT

The present appeal is filed by the Metropolitan Transport Corporation Ltd, Chennai, as against the orders passed by the learned VI Judge, Small Causes Court, Chennai, in M.C.O.P. No.7533/2015, dated



09.02.2022.

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2. The appellant is the Managing Director of Metropolitan Transport Corporation Limited, Chennai. The respondents/complainants filed a Claim Petition in M.C.O.P. No.7533/2015 before the VI Judge, Small Causes Court, Chennai, seeking compensation for the accident that took place on 05.06.2015. According to the claimants, the deceased Hameed, husband of the 1st respondent and father of the respondents 2 to 5 was travelling in a bus bearing Registration No.TN 01 N 5908 (Route No.116A) and at about 03.15 p.m. when the bus was nearing Madipoonga bus stop at Broadway, Chennai, Hameed (the deceased) fell down from the bus and sustained injuries. He was immediately rushed to Stanley Hospital, Chennai, where he was admitted as an inpatient. However, he succumbed to injuries on 07.06.2015. According to the claimants, the rash and negligent driving of the driver of the Transport Corporation bus was the cause of accident and that they are liable to pay compensation to the claimants.

3. The tribunal after analysing the evidence on record, fixed negligence and liability on the part of the Metropolitan Transport



Corporation Ltd., and awarded a compensation of Rs.17,65,000/- together with interest at the rate of 7.5% per annum from the date of the petition till the date of realisation. Questioning the liability, the appellant/Metropolitan Transport Corporation Ltd., has filed the present appeal.

4. Heard Mr.A. Vinothraj, learned counsel for the appellant and Mr. K. Balaji, learned counsel for the respondents.

5. Mr. A. Vinothraj, learned counsel for the appellant contended that the deceased Hameed was travelling on the foot board of the bus and fell down and therefore, liability cannot be fastened upon the Metropolitan Transport Corporation Ltd., Chennai.

6. It is seen from the records that the bus was plying in a busy locality and the driver and the conductor of the bus should have informed the passengers to get into the bus if they found them travelling on the foot board. In the instant case, the driver/conductor had failed to discharge their duty. In the circumstances, fixing the liability on the part of the Metropolitan Transport Corporation Ltd., by the tribunal cannot be found fault with. Accordingly, the Civil Miscellaneous Appeal stands dismissed.

No costs. Consequently connected miscellaneous petition is closed.



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Index : Yes/No
Internet : Yes/No
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To

1. The VI Judge, Small Causes Court,
Motor Accident Claims Tribunal, Chennai.
2. The Section Officer, VR Section, High Court, Madras.



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R. HEMALATHA, J.

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