



CMA No.2900 of 2023
and C.M.P.No.27195 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2024

CORAM:

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

CMA No.2900 of 2023

and

C.M.P.No.27195 of 2023

The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram Division – 1) Limited,
Villupuram – 2.

... Appellant

Vs.

Dharmadurai

... Respondent

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Award dated 29.03.2023 in M.C.O.P.2881 of 2017 on the file of the Motor Accident Claims Tribunal, Special Sub Court No.1, Small Causes Court, Chennai.

For Appellant : Mr.T.Chandrasekaran

For Respondent : No appearance



WEB COPY



CMA No.2900 of 2023
and C.M.P.No.27195 of 2023

J U D G M E N T

The appellant, the Tamil Nadu State Transport Corporation, Villupuram Division is the respondent in M.C.O.P.2881 of 2017 on the file of the Motor Accident Claims Tribunal, Small Causes Court, Chennai.

2. The claimant filed the above said petition under Section 166 of the Motor Vehicles Act seeking compensation of Rs.35,00,000/- for the injuries sustained by him in a road accident that took place on 10.05.2016.

3. The case of the claimant in a nutshell is as follows:

On 10.05.2016, the claimant was travelling as a passenger in a bus bearing Registration Number TN-25-N-0407 on Chennai – Thiruvannamalai road. When the bus was nearing Paranur toll booth, the driver of the bus attempted to overtake a lorry bearing Registration Number TN-21-F-7599. However, the driver of the bus lost his control over the bus and hit the right hand side of the lorry, on account of which, the claimant who was sitting on the left hand side of the bus sustained



CMA No.2900 of 2023
and C.M.P.No.27195 of 2023

grievous injuries.

4. According to the claimant the rash and negligent driving of the driver of the bus bearing Registration Number TN-25-N-0407 belonging to the Tamil Nadu State Transport Corporation was the cause of accident and therefore, they are liable to pay compensation to him.

5. The appellant, the Tamil Nadu State Transport Corporation, Villupuram Division, contested the claim petition.

6. The Tribunal, vide its orders dated 29.03.2023, fastened negligence on the part of the driver of the bus and awarded compensation of Rs.94,000/- to the claimant together with interest at the rate of 7.5% per annum from the date of claim petition till the date of realisation.

7. Questioning their liability to pay compensation, the appellant, the Tamil Nadu State Transport Corporation has filed the present appeal.



CMA No.2900 of 2023
and C.M.P.No.27195 of 2023

WEB COPY

8. Heard Mr.T.Chandrasekaran, learned counsel appearing for the appellant. Though notice was served on the respondent / claimant and his name was also printed in the cause list, there is no representation on his behalf.

9. Mr.T.Chandrasekaran, learned counsel appearing for the appellant contended that though FIR was registered against the driver of the lorry bearing Registration Number TN-21-F-7599, the Tribunal had wrongly fastened on the part of the driver of the bus. Therefore, he prayed for setting aside the order of the Tribunal.

10. A perusal of the records shows that the driver of the bus was attempting to overtake the lorry bearing Registration Number TN-21-F-7599 and in the said process hit the right hand side of the lorry. Since the claimant was seated on the left hand side of the bus, he sustained injuries. It is pertinent to point out that the respondent had not adduced any acceptable evidence to show that the driver of the lorry was rash and



CMA No.2900 of 2023
and C.M.P.No.27195 of 2023

negligent in driving his vehicle and the evidence of Thiru. Senthil Kumar (R.W.1) conductor of the bus is not trustworthy as he did not witness the occurrence. He was also in the last row of the bus. The manner of accident clearly shows that the driver of the bus was responsible for the accident and the Tribunal, by a well reasoned order, had fastened negligence on the part of the driver of the bus and I do not see any reason to interfere with the same.

11. In the result,

i. the Civil Miscellaneous Appeal is dismissed. No costs.

Consequently, connected Civil Miscellaneous Petition is closed.

ii. the Award dated 29.03.2023 in M.C.O.P.2881 of 2017 on the file of the Motor Accident Claims Tribunal, Special Sub Court No.1, Small Causes Court, Chennai, is hereby confirmed.

19.10.2024

Index : Yes/No
Speaking / Non-speaking order
mtl



WEB COPY



CMA No.2900 of 2023
and C.M.P.No.27195 of 2023

R. HEMALATHA, J.

mtl

To

1. The Motor Accident Claims Tribunal,
Special Sub Court No.1, Small Causes Court, Chennai.

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

CMA No.2900 of 2023
and C.M.P.No.27195 of 2023