



C.M.A.No.1033 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.1033 of 2017

And

C.M.P.No.5101 of 2017

The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
No.3/137, Salamedu,
Vazhuthareddy,
Villupuram – 605 602.

... Appellant

Vs.

1.Kannusamy
2.Dhandapani
3.Balakrishnan
4.Balamurugan
5.Gunasekaran @ Sekar

... Respondents

Prayer:

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the decree and judgment dated 31.01.2012 made in M.C.O.P.No.1738 of 2008, on the file of the Motor Accidents Claims Tribunal Additional District Court (Fast Track Court No.2), Cuddalore and be pleased to dismiss the above claim as against the appellant.



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C.M.A.No.1033 of 2017

For Appellant : Mr.S.S.Santhosh Kumar
For Respondents : NRN

J U D G M E N T

The respondent before the Motor Accidents Claims Tribunal is the appellant herein. This appeal has been filed against the judgment and decree dated 31.01.2012 passed by the Motor Accidents Claims Tribunal Additional District Court (Fast Track Court No.2), Cuddalore, in M.C.O.P.No.1738 of 2008.

2.The learned counsel appearing for the appellant submitted that the respondents claimants filed claim petition before the Motor Accidents Claims Tribunal, claiming compensation of Rs.10 Lakhs alleging that on 21.01.2007 at about 3.30 p.m., when the deceased Lalitha was walking on the Kadampuliyur to Kattupuliyur Road from West to East direction, the driver of the bus bearing Registration No.TN 32 N 1419 drove the vehicle in a rash and negligent manner and dashed against the deceased, due to which, the deceased lost her life. After adjudication, the Tribunal awarded a sum of Rs.2,67,070/- as compensation to the claimants along with interest at 7.5% p.a. from the date of petition till the date of deposit with costs and directed the appellant to deposit the amount.

2/5



C.M.A.No.1033 of 2017

WEB COPY

3.The learned counsel appearing for the appellant further submitted that the pedestrian all of a sudden entered the road, thereby the driver of the vehicle belonging to the appellant could not control the vehicle and the vehicle dashed against the deceased, however, the Tribunal fastened the entire liability as against the appellant which is not sustainable one and further submitted that the amount awarded as compensation is also on the higher side.

4.Heard the learned counsel appearing for the appellant. Though the appeal is of the year 2017, till date the appellant has not taken effective steps to serve notice on the respondents. Considering the pendency of the civil miscellaneous appeal, this Court is inclined to proceed with the case and decide the same based on the materials available on record.

5.In order to prove the case, the first claimant examined himself as P.W.1 and marked exhibits Ex.P.1 to Ex.P.5, however, the appellant Transport Corporation neither examined any witness nor marked any exhibit. Without examining any independent eye witness, the appellant questioning the negligence aspect is not sustainable one.



C.M.A.No.1033 of 2017

WEB COPY

6.Insofar as the quantum of compensation is concerned, the Tribunal after considering all the factual aspects, awarded compensation which is just and reasonable and the same warrants no interference.

7.The civil miscellaneous appeal is dismissed. The judgment and decree dated 31.01.2012 passed by the Motor Accidents Claims Tribunal Additional District Court (Fast Track Court No.2), Cuddalore, in M.C.O.P.No.1738 of 2008, is confirmed. No costs. Consequently, the connected miscellaneous petition is closed.

17.12.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Motor Accidents Claims Tribunal,
District Court (Fast Track Court No.2),
Cuddalore.

4/5



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C.M.A.No.1033 of 2017

M.DHANDAPANI,J.
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17.12.2024