



CMA.No.2275 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R. HEMALATHA

C.M.A.No.2275 of 2024 and
C.M.P.No.17637 of 2024

The Managing Director,
Tamilnadu State Transport Corporation Limited,
Railway Station New Road,
Kumbakonam.

... Appellant

vs.

1. Visalatchi

M.Murugesan (Died)

2. M.Kumarasamy

3. Nagarajan

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Award, dated 31.01.2023 in M.A.C.T.O.P.232/2004 on the file of the Motor Accident Claims Tribunal, District Judge, Presiding Officer (FAC), Karaikal.

For Appellant : Ms.M.Rohini

For Respondents : Mr.K.Varadhakamaraj

J U D G M E N T



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The present appeal is filed by the appellant, the Managing Director, Tamilnadu State Transport Corporation, Kumbakonam against the Award passed by the Motor Accident Claims Tribunal, Karaikal in M.A.C.T.O.P.232/2004.

2. The respondents 1 and 2 and one M.Murugesan (deceased) filed the claim petition under Section 166(1) of Motor Vehicles Act, in M.A.C.T.O.P.232/2004 before the Motor Accident Claims Tribunal, District Judge, Presiding Officer (FAC), Karaikal, seeking compensation of Rs.20,00,000/- for the death of one Saminathan (son of the 1st claimant and brother of the 2nd claimant) in a road accident which happened on 04.09.2004.

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

On 04.09.2004, Saminathan (deceased) was riding his two-wheeler bearing Registration number TN-50-C-2064 on Nagore main road. When he was nearing Pondicherry Power Plant Corporation Limited, a CRC load Van bearing Registration number TML-5107 came in the opposite direction, hit the two wheeler, resulting in the



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instantaneous death of Saminathan.

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4. According to the claimants, the rash and negligent driving of the driver of the CRC load van bearing Registration Number TML-5107 belonging to the Tamilnadu State Transport Corporation was the cause of the accident and therefore, the appellant is liable to pay compensation to them.

5. The Tribunal, after analysing the evidence on record, fastened negligence on the part of the driver of the CRC load van bearing Registration number TML-5107 and awarded compensation of Rs.8,94,000/- together with interest at the rate of 7.5% per annum from the date of petition till the date of realisation vide, its orders dated 31.01.2023.

6. Aggrieved over the quantum of compensation and the negligence fastened on the part of the driver of the CRC load van, the Tamilnadu State Transport Corporation Limited has filed the present appeal under Section 173 of the Motor Vehicles Act.

7. Heard Ms.M.Rohini, learned counsel for the appellant, Tamilnadu State Transport Corporation and Mr.K.Varadhakamaraj, learned counsel appearing for the claimants / respondents.



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8. Ms.M.Rohini, learned counsel for the appellant contended that the rider of the two wheeler was in an inebriated condition at the time of accident as per the records, but the Tribunal has fastened negligence on the part of the driver of the CRC Van and also awarded an exorbitant amount of Rs.8,94,000/- towards compensation to the claimant. He therefore, prayed for setting aside the order of the Tribunal.

9. Per contra, Mr.K.Varadhakamaraj, learned counsel appearing for the claimants contended that the Tribunal has passed a well reasoned order and therefore the same does not warrant any interference by this Court.

10. The percentage of Alcohol in the blood of the deceased was found to be 0.17 mg out of 100 ml of blood and not in excess of 30mg per 100 ml. In the decision in *Nagappa vs. Gurudayal Singh & Ors.* reported in **2004-2-TNMAC 398 SC** it has been held that the consumption of alcohol is not prohibited but it shall be proved how it contributed to the accident.



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11. More over, the manner of accident clearly shows that the driver of the CRC load Van bearing Registration number TML-5107 was responsible for the accident.

12. The Tribunal has also awarded just compensation and therefore I do not see any reason to interfere with the same. Accordingly, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Speaking/Non-speaking order
Neutral citation : Yes / No
vum

R.HEMALATHA, J.

vum

To

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1. The Motor Accident Claims Tribunal,
District Judge, Presiding Officer (FAC), Karaikal.

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

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