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CMA.Nos.329, 330, 332, 333 & 335/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2024

CORAM:

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

CMA.Nos.329, 330, 332, 333 & 335 of 2024
& CMP.Nos.3714, 3715, 3716, 3717 & 3724 of 2024

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.
Kasipalayam,
Erode – 638 002.

... Appellant in all CMAs

-Vs-

1.M.Nithya	... 1 st resp. in CMA/329/2024
2.M.Vinodhkumar	... 1 st resp. in CMA/330/2024
3.C.Sasikumar	... 1 st resp. in CMA/332/2024
4.A.Saranya CMA/333/2024	... 1 st resp. in
5.S.Sumathy	... 1 st resp. in CMA/335/2024
6.K.Marimuthu	... 2 nd resp. in all CMAs

Common Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award dated 10.01.2023 made in MCOP.Nos.1154, 1204, 1156, 1155 & 1153 of 2017 on the file of the



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Motor Accident Claims Tribunal/Special Subordinate Judge, Coimbatore.

In all CMAs:

For Appellant : Mr.M.Murali Vinodh
For R1 : Mr.C.Veera Raghavan

JUDGMENT

Challenging the fixation of negligence and fastening the liability and the quantum of compensation awarded by the Tribunal, the appellant/Transport Corporation has filed these appeals.

2.On 30.06.2017, when all the claimants in the above appeals were traveling in a Renault Car bearing Regn.No.TN 99 C 9972 from Mettupalayam to Annur, a bus belonging to the appellant Transport Corporation bearing Regn.No.TN 33 N 3092 came in the opposite direction in a rash and negligent manner and hit the car and thereby, all the claimants in the above appeals have sustained injuries. Challenging the fixation of negligence against the driver of the bus and also the quantum of compensation awarded by the Tribunal, the appellant Transport Corporation has come forward with these appeals.



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3.The learned counsel for the appellant Transport Corporation submits that the driver of the car did not possess a valid driving license at the time of the accident and also did not possess any insurance for the car. Further, he drove the car in a rash and negligent manner and thereby, contributed to the accident. Therefore, he would plead that fixing the entire negligence on the part of the driver of the bus is not appropriate. Further, he would also contend that the compensation awarded by the Tribunal is also on the higher side and therefore, the award of the Tribunal has to be set aside.

4.The learned counsel for the respondents/claimants would submit that the that Tribunal had arrived at the conclusion that the accident occurred due to the negligence on the part of the driver of the bus based on Ext.P2, FIR, Ext.P3, final report filed by the police and also Ext.P4, rough sketch. However, no documents were produced by the appellant/ Transport Corporation to disprove the case of the claimants. Further, he would also submit that the compensation awarded by the Tribunal is just and fair and that the same be confirmed.



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5.Considered the submissions of the learned counsel for the appellant and the first respondent and also perused the records.

6.On perusal of Ext.P2, FIR, Ext.P3, final report, Ext.P.4, rough sketch and also the deposition of PW1 to PW5, would reveal that the accident occurred due to the rash and negligent driving of the driver of the bus. Though initially the complaint was filed against the driver of the car, after thorough investigation, the police have filed a final report to the Court stating that the cause for the accident is the driver of the bus. Thus, the Tribunal has come to the conclusion that the accident occurred due to the negligence on the part of the driver of the bus. Accordingly, it has fastened the liability against the appellant Transport Corporation. Thus, I do not find any error in the decision making process on the part of the Tribunal while fixing the negligence and fastening the liability against the appellant Transport Corporation.

7.As far as the appellant challenge against the quantum of compensation awarded by the Tribunal, except the claimant in



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MCOP.No.1204 of 2017 pertaining to CMA.No.330 of 2024, the other claimants sustained only minor injuries. Therefore, the Tribunal awarded a sum of Rs.29,000/- as regards CMA/329, 333 and 335/2024 and Rs.34,165/- as regards CMA/332/2024. I do not find any error in the fixation of compensation by the Tribunal as regards these appeals. Thus, there is no merit in the submissions of the learned counsel for the appellant as regards the fixation of quantum of compensation, which was challenged in CMA.Nos.329, 332, 333 and 335 of 2024 and hence, these appeals are liable to be dismissed.

8.As far as CMA/330/2024, the claimant is the driver of the car, who sustained a fracture in his left leg. The disability of the driver of the car was assessed at 31% by the Medical Board. The Tribunal fairly awarded Rs.1,55,000/- under the head of permanent disability based on the percentage method by awarding Rs.5,000/- for every percentage of disability. In cases of claimants who suffered a fracture in an accident, the Tribunal would generally apply the multiplier method. However, in the present case, they have applied the percentage method, which is in favour of the appellant Transport Corporation. With regard to the compensation



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awarded by the Tribunal under all other heads are concerned, they appear to be just and reasonable and hence, I do not find any merit in the submissions of the learned counsel for the appellant that the Tribunal has awarded excessively.

9.In the result, all the appeals are dismissed. It is represented that the appellant Transport Corporation has already deposited 50% of the compensation as awarded by the Tribunal. It is now required to deposit the remaining 50%, together with interest at 7.5% per annum from the date of the Claim Petition till the date of realization, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to transfer the Award amount directly to the Bank account of the Claimants through RTGS, within a period of three weeks thereafter. No costs. Consequently, the connected miscellaneous petitions are closed.

10.Post the matter for reporting compliance on 27.03.2024.

19.02.2024



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Index : Yes / No
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To

- 1.The Motor Accident Claims Tribunal,
Special Subordinate Judge, Coimbatore.
- 2.The Section Officer,
V.R.Section, High Court, Madras.



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KRISHNAN RAMASAMY, J.,

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