



Civil Miscellaneous Appeal No.1107 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Civil Miscellaneous Appeal No.1107 of 2024

and

C.M.P.No.10122 of 2024

The Tamil Nadu State Transport
Corporation Limited,
Vellore.

... Appellant

Vs.

Salammal (died)
W/o.Late Munusamy

1.S.Karthikeyan
S/o.Late Munuswamy

2.T.M.Selvam
S/o.Late Munuswamy

3.T.M.Mahendiran
S/o.Late Munuswamy

4.T.M.Shanmugam
S/o.Late Munuswamy

5.T.M.Murugan
S/o.Late Munuswamy



Civil Miscellaneous Appeal No.1107 of 2024

6.Rani

D/o.Late Munuswamy

7.Manjula

D/o.Late Munuswamy

8.Maheswari (Amended as per order in I.A.

No.883/2013 dated 17.12.2013)

D/o.Late Munuswamy

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 04.11.2017 made in M.C.O.P.No.979 of 2013 on the file of the Motor Accident Claims Tribunal, Special Subordinate Judge, Tirupattur.

For Appellant : Mr.C.R.Sureshkumar

For Respondents : Mr.V.Kumaravelan [R1]
Notice Served [R2 to R5]
Dispensed with [R6 to R8]

JUDGMENT

Aggrieved by the award passed by the Motor Accident Claims Tribunal, Special Subordinate Judge, Tirupattur, in M.C.O.P.No.979 of 2013, dated 04.11.2017, the transport corporation has filed the present appeal questioning the very liability.



Civil Miscellaneous Appeal No.1107 of 2024

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2. The claimants are wife and children of the deceased Munuswamy. The case of the claimants is that the deceased Munuswamy was travelling in the bus belonging to the transport corporation on 13.08.2007 and at about 10.00 p.m., the driver of the bus drove the vehicle in a rash and negligent manner over a speed breaker as a result of which the deceased was thrown out of the bus and he sustained grievous injuries as a result of which he died on 18.08.2007. A First Information Report came to be registered in Crime No.873 of 2007 against the driver of the bus. It is under these circumstances, the claim petition came to be filed seeking for payment of compensation.

3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a categorical conclusion that the accident had taken place due to the rash and negligent driving of the bus belonging to the appellant transport corporation as a result of which, the deceased fell down from the bus and sustained grievous injuries and ultimately, succumbed to the injuries. After having come to such a conclusion, the Tribunal fixed the total



Civil Miscellaneous Appeal No.1107 of 2024

compensation at Rs.6,61,800/- under various heads as follows:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of dependency	4,36,800/-
2.	Love and affection	2,00,000/-
3.	Transportation	10,000/-
4.	Funeral expenses	15,000/-
	Total	6,61,800/-

The above compensation was directed to be paid with interest at 7.5% p.a.

4. The appellant transport corporation, questioning the very liability, has filed this appeal.

5. Heard Mr.C.R.Sureshkumar, learned counsel for appellant transport corporation and Mr.V.Kumaravelan, learned counsel for first respondent.

6. The main contention that was raised by learned counsel for appellant transport corporation is that the deceased was attempting to get down from a moving vehicle and as a result, he fell down from the



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8. This Court carefully considered the submissions made on either side and the materials available on record.

9. This Court also carefully went through the award passed by the Tribunal.

10. The Tribunal had taken into consideration the evidence of PW-2, who was examined as an eye witness in this case. He has spoken about the manner in which the driver of the bus had driven the vehicle in a rash and negligent manner over a speed breaker. This evidence of PW-2 has not been discredited on the side of the appellant transport corporation. If really the deceased had fallen down from a moving bus while attempting to get down from the bus, the driver could have got into the witness box and could have deposed. For some unknown reasons, the appellant transport corporation failed to examine any witness. As a result, the only evidence that is available is that of PW-2 and his evidence has been properly appreciated by the Tribunal. In view of the same, this Court does not find any ground to interfere with the finding of the Tribunal with regard to the evidence of PW-2.



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11. The Tribunal has awarded a reasonable compensation in this case and the same does not require the interference of this Court.

12. It is seen from records that initially the claim petition was filed before the Tirupattur Sub Court and it was numbered as M.C.O.P.No.599 of 2007. Thereafter, the case was transferred to the file of the III Additional District and Sessions Court and it was renumbered as M.C.O.P.No.22 of 2010. Once again, the case was transferred to the file of Motor Accident Claims Tribunal, Tirupattur and it was once again renumbered as M.C.O.P.No.979 of 2013. This petition was ultimately disposed of by an award dated 04.11.2017. However, in the final order, it is mentioned as if the claim petition itself was filed only on 10.10.2017. This is obviously wrong since the claim petition has been filed in 2007 itself and after a long journey, it reached the Motor Accident Claims Tribunal in 2013 and it was disposed of in 2017. In view of the same, the date of presentation must be only 2007 and not 2017. This finding becomes relevant since the claimant will be entitled for interest from the date of filing of the claim petition and that should not be misconstrued as 2017.



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Civil Miscellaneous Appeal No.1107 of 2024

N.ANAND VENKATESH, J.

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In the result, this Civil Miscellaneous Appeal is dismissed. The appellant transport corporation is directed to deposit the compensation awarded by the Tribunal, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of four weeks from the date of receipt of this judgment. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. No costs. Consequently, connected miscellaneous petition is closed.

04.06.2024

Speaking Judgment/Non-speaking Judgment

Index :Yes/No

Neutral citation: Yes/No

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To
The Motor Accident Claims Tribunal,
Special Subordinate Judge,
Tirupattur.

Civil Miscellaneous Appeal No.1107 of 2024