



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No. 807 of 2022

and

C.M.P(MD)No.7400 of 2022

The Managing Director,
Tamil Nadu State Transport Corporation,
Railway Station Road,
Kumbakonam Division,
Kumbakonam.

... Appellant

Vs.

1. Marakatham @ Geetha
2. Minor.Sivasakthi Sivani
3. Minor.Sivasakthi Yazhini
4. Diwahar
5. The Manager, CB02, Trichy,
The Oriental Insurance Company Limited,
73/B -1 Salai Road,
Lakshmi Complex, Thillainagar,
Trichy - 620 018.

... Respondents

[Minor claimants 2 & 3 are represented through their mother and natural guardian/1st respondent herein]

[The 2nd respondent was added as per Order of the Court below, dated 15.06.2017.]



PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, to set aside the Judgment and Decree passed by the Motor Accident Claims Tribunal, Special District Court, Tiruchirappalli, in M.C.O.P.No.17 of 2016 dated 23.11.2021.

For Appellant : M/s.A.V.B Krishna Kanth

For R-1 to R-3 : Mr.T.Vadivelan

R-4 & R-5 : Non appearance

JUDGEMENT

The Transport Corporation has preferred this appeal against the Judgment and Decree passed by the Motor Accident Claims Tribunal, Special District Court, Tiruchirappalli, in M.C.O.P.No.17 of 2016 dated 23.11.2021.

2. It is a case of fatal. The Learned Counsel Appearing for the Appellant/Transport Corporation has raised an objection that the negligence ought to be fixed on the part of the Car alone and there is no negligence at all on the part of the bus driver. In support of his contention, he has relied on the nature of accident, wherein the bus was coming from north to south and in the Thirumayam cross road was taking right turn. The car was coming from south to north. The bus had already turned, but the car without control of speed and had hit the backside of the bus. Therefore, the contributory negligence ought to be fixed on the Car driver also.



WEB COPY

3. The above facts was taken into consideration and the Tribunal has rightly fixed negligence 75% on the driver of the Car and 25% on the driver of the Appellant bus. Therefore, this Court is not inclined to interfere with the Judgment and Order passed by the Tribunal.

4. Accordingly, this Civil Miscellaneous Appeal stands dismissed. The Judgment and Decree passed by the Motor Accident Claims Tribunal/ Special District Court, Tiruchirappalli, in M.C.O.P.No.17 of 2016 dated 23.11.2021, is hereby confirmed. No Costs. Consequently, connected miscellaneous petition is closed.

09.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
KSA

To

1. The Motor Accident Claims Tribunal/
Special District Court,
Tiruchirappalli.
2. The Section Officer,
Vernacular Section,



Madurai Bench of Madras High Court,
Madurai.



WEB COPY



S.SRIMATHY, J.

KSA

**Order made in
C.M.A(MD)No.807 of 2022**

09.02.2024