



CMA.(MD)Nos.455 to 460 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 06/06/2024

CORAM

The Hon'ble Mr.Justice **G.ILANGO VAN**

CMA(MD)Nos.455 to 460 of 2021

and

CMP (MD)Nos.3998, 4000, 4003, 4006, 4007 and 4010 of 2021

(1)CMA(MD)No.455 of 2021:-

The Managing Director,
Tamilnadu State Transport Corporation,
Periyamilaguparai,
Trichy-1.

: Appellant/2nd Respondent

Vs.

1.M.Kaliyamoorthi
2.A.Karthikeyan

: 1st Respondent/Claimant
: 2nd Respondent/1st Respondent

PRAYER:-Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, to set aside the impugned award passed in MCOP No.1984 of 2014, dated 20/03/2020 on the file of the MACT (Chief Judicial Magistrate Court), Tiruchirapalli and pass any other order.

For Appellant : Mr.P.M.Vishnuvarthanan

For Respondents : No appearance

(2)CMA(MD)No.456 of 2021:-

The Managing Director,
Tamilnadu State Transport Corporation,
Periyamilaguparai,
Trichy-1.

: Appellant/2nd Respondent

Vs.



CMA.(MD)Nos.455 to 460 of 2021

1.V.Ramamoorthi
2.A.Karthikeyan

: 1st Respondent/Claimant
: 2nd Respondent/1st Respondent

WEB COPY

PRAYER:-Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, to set aside the impugned award passed in MCOP No.1982 of 2014, dated 20/03/2020 on the file of the MACT (Chief Judicial Magistrate Court), Tiruchirapalli and pass any other order.

For Appellant : Mr.P.M.Vishnuvarthanan

For Respondents : No appearance

(3)CMA(MD)No.457 of 2021:-

The Managing Director,
Tamilnadu State Transport Corporation,
Periyamilaguparai,
Trichy-1.

: Appellant/2nd Respondent

Vs.

1.S.Rajendran
2.A.Karthikeyan

: 1st Respondent/Claimant
: 2nd Respondent/1st Respondent

PRAYER:-Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, to set aside the impugned award passed in MCOP No.1983 of 2014, dated 20/03/2020 on the file of the MACT (Chief Judicial Magistrate Court), Tiruchirapalli and pass any other order.

For Appellant : Mr.P.M.Vishnuvarthanan

For Respondents : No appearance



CMA.(MD)Nos.455 to 460 of 2021

(4) CMA (MD) No.458 of 2021:-

The Managing Director,
Tamilnadu State Transport Corporation,
Periyamilaguparai,
Trichy-1.

: Appellant/2nd Respondent

Vs.

1.V.Muruganandham
2.A.Karthikeyan

: 1st Respondent/Claimant
: 2nd Respondent/1st Respondent

PRAYER:-Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, to set aside the impugned award passed in MCOP No.1985 of 2014, dated 20/03/2020 on the file of the MACT (Chief Judicial Magistrate Court), Tiruchirapalli and pass any other order.

For Appellant : Mr.P.M.Vishnuvarthanan

For Respondents : No appearance

(5) CMA (MD) No.459 of 2021:-

The Managing Director,
Tamilnadu State Transport Corporation,
Periyamilaguparai,
Trichy-1.

: Appellant/2nd Respondent

Vs.

1.J.Mahendran
2.A.Karthikeyan

: 1st Respondent/Claimant
: 2nd Respondent/1st Respondent

PRAYER:-Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, to set aside the impugned award passed in MCOP No.1986 of 2014, dated 20/03/2020 on the file of the MACT (Chief Judicial Magistrate Court), Tiruchirapalli and pass any other order.



WEB COPY



CMA.(MD)Nos.455 to 460 of 2021

For Appellant : Mr.P.M.Vishnuvarthanan
For Respondents : No appearance

(6) CMA (MD) No.460 of 2021:-

The Managing Director,
Tamilnadu State Transport Corporation,
Periyamilaguparai,
Trichy-1. : Appellant/2nd Respondent

Vs.

1.K.Rajagopal : 1st Respondent/Claimant
2.A.Karthikeyan : 2nd Respondent/1st Respondent

PRAYER:-Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, to set aside the impugned award passed in MCOP No.1981 of 2014, dated 20/03/2020 on the file of the MACT (Chief Judicial Magistrate Court), Tiruchirapalli and pass any other order.

For Appellant : Mr.P.M.Vishnuvarthanan
For Respondents : No appearance

COMMON JUDGMENT

These Civil Miscellaneous Appeals are filed seeking an order to set aside the common award, dated 20/03/2020 passed in MCOP Nos.1981 to 1986 of 2014 by the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Tiruchirappalli.



WEB COPY



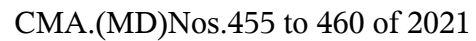
CMA.(MD)Nos.455 to 460 of 2021

2. The facts in brief:-

On 22/01/2014, the claimants in MCOP Nos.1981 to 1986 of 2014 were travelling in the Bus bearing registration No.TN-45-N-2044 from Jeyagoundam to Trichy. At that time, near Kollidam bridge at about 09.30 am, a Lorry bearing registration No.TAA-5585 was coming in the opposite direction. At that time, the Bus negligently dashed against the Lorry. In the accident, the claimants sustained injuries. Claiming compensation, they filed separate petitions.

3.That was resisted by the Appellant Transport Corporation stating that the first respondent namely A.Karthikeyan was responsible for the accident. A case in Crime No.48 of 2014 was registered by the Trichy North Traffic Police Station against the first respondent only. The appellant Bus driver drove the vehicle in a normal speed. But however, the first respondent drove the vehicle in a rash and negligent manner and dashed against the Corporation Bus. So, the appellant driver is not responsible for the occurrence.

4.Before the Tribunal, on the side of the claimants, 7 witnesses examined and 19 documents marked. On the side of the Appellant Transport Corporation, one witness was



examined and one document was marked. Through PW7, Ex.X1 was marked. Apart from that, Exs.C1 and C2 were marked.

5. At the conclusion of the enquiry process, the Tribunal found that only because of the rash and negligent driving of the appellant Transport Corporation Bus driver, the occurrence said to have been taken place. On the basis of evidence of the claimants namely PW1 to PW6, the Tribunal fixed the liability upon the appellant Transport Corporation Bus driver.

6. It was contended before the Tribunal that the first respondent lorry was not insured. So, the claimants filed the petitions against the appellant Transport Corporation stating that the appellant Bus driver was responsible for the occurrence.

7. The evidence of RW1 was disbelieved by the Tribunal. Reading of the evidence of RW1 shows that the road runs north-south. His vehicle was proceeding towards south. In the opposite direction, the first respondent vehicle was coming. RW1 turned the vehicle towards the west. So, reading of the evidence of RW1 shows that he turned right namely western side, which is the highways Road. Why, he turned the vehicle towards western side is not explained by him.



8. So the manner in which, the occurrence took place clearly indicates that because of the rash and negligent driving of the Bus driver, the occurrence said to have been taken place. Similarly, the case was registered against the first respondent vehicle driver. So, RW1 cannot disown the responsibility. The Tribunal has to assess the negligent aspect independently on its own merit on the basis of the materials available on record. Here, as indicated above, the evidence of RW1 is sufficient enough to say that he was responsible for the accident. So, the appellant Transport Corporation is liable to pay the compensation.

9. Regarding the compensation amount in MCOP No.1981 of 2014, the claimant sustained grievous injuries. As per the disability certificate under Ex.C1 issued by the Medical Board, it was fixed at 10%. On percentage basis, the compensation was fixed as indicated below:-

Partial Permanent Disability	Rs.30,000/-
Pain and Suffering	Rs.25,000/-
Transport Expenses	Rs.10,000/-
Extra Nourishment expenses	Rs.10,000/-
Total	Rs.75,000/-



WEB COPY

10.Considering the nature of the injuries sustained by the claimant in MCOP No.1981 of 2014, the amount has been reasonably fixed. So, no interference is called for.

11.In so far as MCOP No.1982 of 2014 is concerned, the claimant suffered only simple injuries as indicated under Ex.P4 (Accident Register). The total amount was fixed at Rs.25,000/- as calculated below:-

Pain and Suffering	Rs.15,000/-
Transport expenses	Rs. 5,000/-
Extra Nourishment expenses	Rs. 5,000/-
Total	Rs.25,000/-

12.The claimant in MCOP No.1983 of 2014 suffered 5% partial permanent disability. As per the certificate issued by the Medical Board under Ex.C2, on percentage basis, the amount was fixed as indicated below:-

Pain and Suffering	Rs.25,000/-
Transport Expenses	Rs.10,000/-
Extra Nourishment expenses	Rs.10,000/-
Partial Permanent Disability	Rs.15,000/-
Total	Rs.60,000/-



CMA.(MD)Nos.455 to 460 of 2021

13.In MCOP No.1984 of 2014, the claimant suffered only simple injuries. The total compensation was assessed at Rs.25,000/- as indicated below:-

Pain and Sufferings	Rs.15,000/-
Transport Expenses	Rs. 5,000/-
Extra Nourishment expenses	Rs. 5,000/-
Total	Rs .25,000/-

14.In respect of MCOP No.1985 of 2014 also, the claimant suffered only simple injuries as indicated in Ex.P13 (Accident Register). The total compensation was fixed at Rs.25,000/- as indicated below:-

Pain and Suffering	Rs.15,000/-
Transport Expenses	Rs. 5,000/-
Extra Nourishment expenses	Rs. 5,000/-
Total	Rs .25,000/-

15.In respect of MCOP No.1986 of 2014 also, the claimant suffered only simple injuries as indicated in ex.P16 (Accident Register). The total compensation was fixed at Rs.25,000/- as indicated below:-

Pain and Suffering	Rs.15,000/-
Transport Expenses	Rs. 5,000/-
Extra Nourishment expenses	Rs. 5,000/-
Total	Rs .25,000/-



WEB COPY



CMA.(MD)Nos.455 to 460 of 2021

16. Reading of the common award passed by the Tribunal and the nature of the injuries suffered by the claimants, I am of the considered view that the amount has been reasonably fixed, which requires no interference by this court.

17. In the result, all the Civil Miscellaneous Appeals are **dismissed**. No costs. Consequently, connected Miscellaneous Petitions are closed.

06/06/2024

Index: Yes/No
Internet: Yes/No
er

To,

1. The Motor Accident Claims Tribunal/
The Chief Judicial Magistrate,
Tiruchirapalli.

2. The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CMA.(MD)Nos.455 to 460 of 2021

G.ILANGOVAN, J

er

CMA (MD) Nos.455 to 460 of 2021

06/06/2024

06/06/2024



WEB COPY



CMA.(MD)Nos.455 to 460 of 2021