



C.M.A.(MD)No.1065 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : **21.08.2024**

CORAM :

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

C.M.A(MD)No. 1065 of 2024
and C.M.P(MD)No.11040 of 2024

Tamil Nadu State Transport
Corporation Dindigul Ltd.,
Dindigul Region,
Represented by
Its Managing Director,
Tamil Nadu State Transport Corporation,
Dindigul ... Appellant/Respondent No.2

Vs.

1.Deivam
2.Meenapriya
3.Murugesan
4.Guruvammal
5.Pathinettampadi Thevar (Died) ...Respondents 1 to 5/Petitioners
6.Mhumani ...6th respondent/1st respondent

(A Memo dated 18.04.2023 in USR No.13284 is recorded as R5 died, and R4, who is already on record, is recorded as LR of the deceased R5 vide order dated 16.07.2024 made in CMP(MD)No.9048 of 2022 in CMA(MD)Sr.No.38273 of 2022 by GIJ)

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 13.09.2019 passed in M.C.O.P.No.180 of 2007 on the file of the Motor Accident Claims Tribunal Judge (Subordinate Judge) of Periyakulam.

For Appellant : Mr.K.Sudalaiyandi



WEB COPY

JUDGMENT

The instant appeal filed by the Transport Corporation challenges the award on the finding of negligence and with regard to the quantum of compensation awarded by the Tribunal.

2. The respondents 1 to 5/claimants filed the claim petition stating that when the deceased travelled in the bus belonging to the appellant, the driver of the bus in a rash and negligent manner overtook a Lorry and collided with another bus coming in the opposite direction, as a result of which, the deceased sustained fatal injuries.

3. The appellant filed a counter stating that the accident did not take place due to the rash and negligent driving of the bus driver and that in any case, the compensation claimed was excessive.

4. The claimants examined 2 witnesses as P.W.1 and P.W.2 and marked 6 documents as Ex.P.1 to Ex.P.6. The appellant examined one witness as R.W.1 and no document was marked on their side.



5. The learned counsel for the appellant submitted that the Tribunal had overlooked the evidence of R.W.1 and had erroneously held that the appellant is liable to pay compensation and that in any case, the compensation awarded is excessive and prayed for reduction.

6. The questions involved in the instant appeal are as follows:

a)Whether the Tribunal was right in holding that the appellant was liable to pay compensation; and

b)Whether the quantum of compensation awarded by the Tribunal is just and reasonable?

7. This Court finds that the claimants had established the manner of accident through the evidence of eyewitness, P.W.2 and they had also marked a copy of the First Information Report, Ex.P.2 and rough sketch, Ex.P.5 and the final report Ex.P.6, based on which, the Tribunal held that the accident only took place due to the rash and negligent driving of the driver employed under the appellant. In the light of such evidence, the Tribunal disbelieved the evidence of R.W.1, the bus driver, which cannot be found fault with. The finding on negligence therefore is in accordance with law.



C.M.A.(MD)No.1065 of 2024

8. Even as regards the compensation, this Court finds that for the accident that took place in the year 2007, the Tribunal has fixed the notional income of the deceased at Rs.3,000/-, which is reasonable. The award of compensation under the other conventional heads is also reasonable. The Tribunal had awarded a sum of Rs.5,25,000/- totally. This Court finds no reason to interfere with the award in any manner.

9. In the result, the appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10. The appellant shall deposit the compensation amount with accrued interest as awarded by the Tribunal within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the claimants are permitted to withdraw the same as per the apportionment fixed by the Tribunal.

21.08.2024

Index : Yes / No
Neutral Citation : Yes / No
CM



C.M.A.(MD)No.1065 of 2024

WEB COPY

To
1.Motor Accident Claims Tribunal Judge
Subordinate Judge, Periyakulam.

2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.M.A.(MD)No.1065 of 2024

SUNDER MOHAN, J.

CM

Judgment made in
C.M.A(MD)No. 1065 of 2024
and C.M.P(MD)No.11040 of 2024

21.08.2024