



C.M.A(MD)No.791 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **08.01.2024**

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THE HON'BLE MR.JUSTICE S.SRIMATHY

C.M.A(MD)No.791 of 2021

and

C.M.P.(MD)No.7392 of 2021

Tamilnadu State Transport Corporation Limited,
represented by the Managing Director,
having Office at Kumbakonam Division,
Pudukottai Sub Division Branch,
Bus No.TN-55 N 0958.

... Appellant

Vs.

1.T.Marimuthu
2.Kanimozhi
3.M.Nagarasu

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the order passed in M.C.O.P.No.238 of 2019 on the file of MACT (Mahila Sessions Court), Theni, dated 18.11.2020.

For Appellant : Mr.Boominathan
for Mr.P.M.Vishnu Varthanan



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JUDGEMENT

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The Tamilnadu State Transport Corporation Limited has filed this appeal against the award passed by the Tribunal.

2.It is a case of death. The mode of accident is that a SETC bus which met with an accident was standing on the road, without noticing the stranding vehicle, the Driver of the TNSTC bus drove the vehicle and committed the accident.

3.The learned Counsel appearing for the appellant tried to convince this Court that when the SETC bus met with an accident, there was no barricade and there was no indication that an accident had occurred and the SETC bus was standing on the road. But such a contention cannot be entertained. If the TNSTC bus had been running in low speed, there would have been a minor accident and not an accident culminating to death of a person. This would clearly indicate that the TNSTC bus Driver drove the vehicle in a rash and negligent way. Therefore, the contention of the appellant is rejected.



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4.The next contention of the appellant is on quantum. The learned Counsel appearing for the appellant submitted that the deceased was a Weaver and the Tribunal has taken the salary to the tune of Rs.8,000/- but the Tribunal ought to have taken the salary as Rs.6,000/-. It is seen that the accident occurred in the year 2019 so, Rs.6,000/- is not an appropriate salary. Therefore, Rs.8,000/- is the appropriate amount. Therefore, the issue raised on quantum is also not acceptable.

5.Therefore, this Court is confirming the award. Hence, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

08.01.2024

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

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To

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1. MACT (Mahila Sessions Court), Theni.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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Order made in
C.M.A(MD)No.791 of 2021

08.01.2024