



C.M.A.(MD) No.1543 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

C.M.A.(MD)No.1543 of 2024
and
C.M.P.(MD)No.16153 of 2024

The General Manager,
Tamil Nadu State Transport Corporation
Office at Rani Thottam,
Nesamony Nager,
Nagercoil.

... Appellant

VS.

1.Ramachandran
2.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Office at No.2, Trivandram Road,
Vannarpettai,
Tirunelveli.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and award, dated 29.02.2024 in M.C.O.P.No.522 of 2022, on the file of the Motor Accidents Claims Tribunal/Special Subordinate Court, Tirunelveli.



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For appellant : Mr.S.Michel Heldon Kumar

For Respondent : No appearance

J U D G M E N T

This Civil Miscellaneous Appeal has been preferred by Tamil Nadu State Transport Corporation Limited/the respondent against the Award dated 29.02.2024 made in M.C.O.P.No.522 of 2022 on the file of Motor Accidents Claims Tribunal/Special Sub Court, Thiruvvelveli.

2. The case as set out in the claim petition is stated in brief:

On 29.07.2021, at about 8.00 p.m., while the claimant was proceedings by riding a Honda Activa motor cycle bearing registration No.TN-74-AQ-9173 on the left side along Putherry-Kadukarai main road, towards north, at the point of Putheri Dr.Subam house, a bus bearing registration No.TN-74-N-1597, belonging to the first respondent, which came from the opposite direction at a high speed and in a rash and negligent manner, came to the wrong side and hit upon the motor cycle. Due to the said



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impact, the claimant fell down and sustained injuries over his right leg, left side rib bones and spinal cord. The accident took place only due to the rash and negligent driving of the driver of the bus. The first and second respondents, who are the owners of the said erred vehicle are both jointly and severally liable to pay compensation.

3. Details of the counter of the first respondent are stated in brief hereunder:

In fact, the rider of the motor cycle, bearing registration No.TN-74-AQ-9173 came in a rash and negligent manner and crossed the road and while attempting to over take the vehicle, which was going ahead, dashed on the bus which came from the opposite direction. The case was registered against the driver of the first respondent bus wrongly.

4. At trial, on the claimant side, three witnesses were examined and twenty documents were marked. On the first respondent side, the driver of the bus was examined (R.W.1). Ex.C1 is the disability certificate issued by the Medical Board.



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5. Upon consideration, the Tribunal by relying upon testimony of P.W.1 and R.W.1 concluded that because of the rash and negligent driving of the respondent bus, the accident occurred and fastened liability on the first respondent. Against the said finding, this appeal has been preferred by the Tamil Nadu State Transport Corporation Limited/ first respondent.

6. It has come on record through the evidence of P.W.1 that 29.07.2021 at about 8.00 p.m., while he was riding Honda Activa motor cycle bearing registration No.TN-74-AQ-9173, on the left side of the Putherry-Kadukarai main road from south to north direction, a bus bearing registration No.TN-74-N-1597 belonging to the first respondent came at a high speed and in a rash and negligent manner from the opposite direction and hit upon the motor cycle. Eventually, he sustained serious injuries.

7. Whereas, the driver of the bus/R.W.1 would depose that on 29.07.2021 at about 7.40 p.m., when he was proceeding along Erachakulam Putherry road, near Putherry Kurinji nagar, Dr.Subam house, at about 20.20 hours, the rider of the two wheeler (TN-74-



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AQ-9173) which came at a high speed and without control, crossed the central median and in the process of overtaking his bus, lost its control and hit on the bus.

8. It is also relevant to note that the case was registered upon the driver of the respondent bus and charge sheet was also laid against him. The driver of the bus did not lodge any complaint before the Police.

9. Upon consideration of the testimony of P.W.1 and R.W.1 coupled with First Information Report, it is made clear that because of the rash and negligent driving of the driver of the first respondent bus, the accident occurred and it has been rightly held by the Tribunal that the first respondent is liable to pay compensation and therefore, I do not find any good reason to disturb the finding as regards liability.

10. In the result,

(i) The Civil Miscellaneous Appeal stands dismissed without being admitted. No costs. Consequently, connected miscellaneous petition is



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closed.

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(ii) The compensation of Rs.13,01,950/- awarded by the Tribunal is confirmed.

(iii) The Transport Corporation/appellant is directed to deposit the compensation amount i.e., Rs.13,01,950/- (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and costs to the credit of M.C.O.P.No.522 of 2022 on the file of Motor Accidents Claims Tribunal / Special Sub Court, Tirunelveli within a period of eight weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the claimant/first respondent is permitted to withdraw the amount along with interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary application before the Tribunal.

14.11.2024

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



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To

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- 1.The Motor Accidents Claims Tribunal / Special Sub Court, Tirunelveli.
- 2.The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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R.KALAIMATHI,J

apd

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