



C.R.P.(MD)No.2604 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2024

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

C.R.P.(MD)No.2604 of 2024

and

C.M.P.(MD)No.15021 of 2024

The Managing Director,
Tamil Nadu State Transport Corporation
Tirunelveli Limited,
Office at No.23/2, Thoothukudi Road,
Kattapomman Nagar, V.M.Chatram,
Tirunelveli District.

... Petitioner

Vs.

John Bosco

... Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order, dated 13.03.2024, passed in M.C.O.P.No.394 of 2023 on the file of the Motor Accident Claims Tribunal cum Special Sub Court, Dindigul.

For Petitioner : Mr.S.Micheal Heldon Kumar

For Respondent : Mr.R.Venkatesan
for M/s.Right Law Associates



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ORDER

The present civil revision petition is filed against the order, dated 13.03.2024, passed in M.C.O.P.No.394 of 2023 on the file of the Motor Accident Claims Tribunal cum Special Sub Court, Dindigul.

2. The nature of the accident is that 7 persons had travelled in an auto and the auto had turned right without any indication. The Transport Corporation bus which was coming behind the auto, had hit the auto, wherein the respondent herein had suffered injuries and the partial permanent disability was fixed as 10%. The Tribunal had awarded Rs.1,01,000/- as compensation, which comes to Rs. 80,800/- after deducting 20% contributory negligence on the part of the auto.

3. The Tribunal had fixed 80% negligence on the Transport Corporation and 20% negligence on the auto. The contention of the Transport Corporation is that auto is at negligence, because the auto had turned right without indication. When the negligence is on the part of the auto, higher liability ought to be fixed on the auto.



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4. After hearing the submissions, this Court is of the considered opinion that the Transport Corporation and the auto are liable equally. Therefore, liability ought to be fixed 50% each.

5. The Transport Corporation shall deposit 50% of the award amount along with proportionate accrued interest before the Tribunal and the same shall be withdrawn by the claimant.

6. As far as the balance 50% is concerned, the claimant is directed to implead the owner of the auto and the concerned Insurance Company and thereafter, contest the case regarding the balance 50% before the Tribunal.

7. With the above said observations, the civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

22.10.2024

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



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- 1.Motor Accident Claims Tribunal
cum Special Sub Court, Dindigul.
- 2.The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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