

C.M.A.(MD)No.958 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

C.M.A.(MD)No.958 of 2021

and

C.M.P.(MD)No.9079 of 2021

The General Manager,
Tamil Nadu State Transport
Corporation Madurai Limited,
Bye Pass Road,
Madurai District.

... Appellant/ Respondent

Vs.

1.Lakshmipriya

2.Minor.P.Muthupandi

3.Minor.P.Mohan Kumar

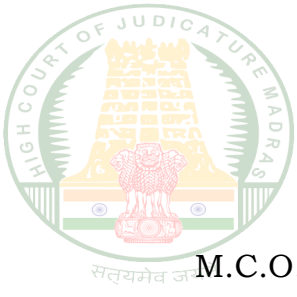
4.M.Thavamani (Died)

... Respondents / Petitioners

*(Minor respondents 2 & 3 rep. through their father
and guardian of the 1st respondent)*

*(A memo dated 25.03.2025 in USR No.14382 is
recorded as 4th respondent died and the
respondents 1 to 3 who are already on record are
recorded as the legal heirs of the deceased 4th
respondent vide Court order dated 25.03.2025
made in C.M.A.(MD)No.958/2021)*

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the
Motor Vehicles Act, 1988, to set aside the Judgment and Decree in



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M.C.O.P.No.22 of 2019 dated 21.03.2019 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate Court), Srivilliputhur at Virudhunagar.

For Appellant : Mr.K.Sudalaiyandi

For R-1 to R-3 : Mr.M.Jothi Basu

For R-4 : Died

JUDGMENT

Challenging the order passed by the learned Motor Accident Claims Tribunal (Chief Judicial Magistrate Court), Srivilliputhur at Virudhunagar in M.C.O.P.No.22 of 2019 dated 21.03.2019, this Civil Miscellaneous Appeal is preferred by the transport corporation.

2.For the sake of convenience, the parties herein are referred as per their ranking before the Tribunal.

3.The claimants are the legal heirs, that is, the father, wife and two minor sons of the deceased, namely, Thiru. Pitchai. The respondent transport corporation is the appellant herein. On 23.03.2010 at about 2:15 P.M. while the deceased Pitchai along Tenkasi road near Thalavaipuram junction while plying his Cycle in the left side of the mud road from south to north, the bus belonging to the respondent



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corporation bearing registration No. TN 57 N 1651 in a rash and negligent manner had hit the deceased from the behind causing the death of the said person on the spot. Seeking to compensate the death of the deceased, his legal heirs have laid the MCOP before the learned tribunal.

4.The learned Tribunal had examined two witnesses and has marked Exhibit P1 to P11 on the side of the petitioners and had examined one witness and no documents were marked on the side of the respondent. Based on the arguments, evidence deposed and the documents marked, the learned tribunal had awarded a compensation of Rupees 14,35,400/- (Rupees Fourteen Lakhs Thirty Five Thousand and Four Hundred only). Challenging the same, the Transport Corporation is before this Court.

5.The learned counsel for the appellant corporation submitted that the learned Tribunal ought not to have fastened liability on the Transport Corporation for the reason that the death had happened due to the negligence of the deceased himself, who was waiting in the middle of the road and suddenly crossed the road without noticing the bus



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involved and on that basis pressed for allowing the appeal.

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6.However, this Court perused the rough sketch which is marked as Exhibit P2, which would reveal that the accident had not happened in the middle of the road and the bus never travelled in the middle of the road, the bus has dashed the deceased in the side mud road which is meant for plying two wheeler. Accordingly, the submissions of the learned counsel for the appellant lacks merit and hence, the Civil Miscellaneous Appeal fails.

7.By this point, the learned counsel for the claimants pointed out that the 4th respondent who is the father of the deceased has passed away and the legal heirs of the deceased 4th respondent are already on record. A memo has been filed to that effect. The said memo is recorded. Registry is directed to carry out the necessary amendments in the cause title.

8.An amount of Rs.2,00,000/- (Rupees Two Lakhs only) which was apportioned to the 4th respondent shall also be equally distributed to the other surviving legal heirs.



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9.The appellant herein is directed to deposit the entire compensation amount with accrued interest and costs to the credit of M.C.O.P.No.22 of 2019 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate Court), Srivilliputhur at Virudhunagar, within a period of six weeks (6) from the date of receipt of copy of this judgment, less the amount, if any already deposited. On such deposit, the claimants are entitled to get their shares as per the apportionment fixed by the Tribunal, less the amount, if any already withdrawn, by making necessary application before the Tribunal. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

25.03.2025

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

To
The Motor Accident Claims Tribunal
(Chief Judicial Magistrate Court),
Srivilliputhur at Virudhunagar.

Copy to

The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.,

Sml

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25.03.2025