

**(2001) 06 MAD CK 0088**  
**In the Madras High Court**

|                                         |            |
|-----------------------------------------|------------|
| Metropolitan Transport Corporation Ltd. | APPELLANT  |
| Vs                                      |            |
| V. Kasthuri                             | RESPONDENT |

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**Date of Decision :** 27-06-2001

**Acts Referred:**

**Citation :** (2001) 2 ACC 441

**Hon'ble Judges :** Prabha Sridevan, J

**Bench :** Single Bench

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**Judgement**

Prabha Sridevan, J.—The Transport Corporation is the appellant which is challenging the award passed by the Tribunal on the ground that

no finding has been given regarding negligence by the learned Judge.

2. The case of the appellant is that the bus had stopped at the Ethiraj College Stop and then after all the passengers boarded the bus, the

conductor blew the whistle and only then the bus driver started the bus. At this juncture, the deceased whose legal heir the respondent attempting

to climb the moving bus slipped and fell down and died.

3. The learned Counsel for the appellant took me through the award passed. by the Tribunal and submitted that absolutely no finding has been given regarding negligence.

4. While the Tribunal has given detailed reasoning for arriving at the quantum of compensation, it has failed to consider the basic issue that the

liability to give compensation will not arise until the negligence is fixed on the Transport Corporation who is the appellant herein. There is absolutely

no discussion in this regard or any finding. In this circumstance, there is no option to set aside the award of the Court below, directing the Motor

Accident Claims Tribunal at Ponneri to consider the issue of negligence and render a finding thereon and thereafter pass an award in accordance with law.

5. This C.M.A. is allowed. The matter is remanded to the Motor Accident Claims Tribunal (Sub Court), Ponneri for disposal of M.A.C.T.O.P.

No. 6 of 1999 in the light of the direction issued above within a period of four months from the date of receipt of a copy of this order. The Court-

fee paid by the appellant shall be refunded. Consequently C.M.P. No. 9611/2001 is closed.