

C.M.A(MD)Nos.770 to 793 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

RESERVED ON: 29.08.2025

PRONOUNCED ON:19.09.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)Nos.770 to 793 of 2025

and

**C.M.P.(MD)Nos.12343, 12346, 12347, 12348, 12349, 12356, 12350,
12351, 12352, 12353, 12354, 12355, 12357, 12359, 12361, 12363,
12364, 12365, 12358, 12360, 12362, 12366, 12368 and 12369 of 2025**

C.M.A.(MD)No.770 of 2025:

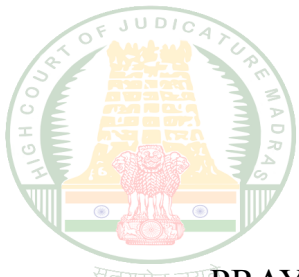
The Oriental Insurance Company Ltd.,
represented by its Divisional Manager,
K.J.R. Complex,
North Veli Street, Madurai –1. ...Appellant/Respondent No.2

Vs.

1.Marikumar ... 1st Respondent/Petitioner

2.M/s.South Indian Corporation Private Ltd.,
rep. through its Manager,
No.603, Rani Seethai Hall 6th Floor,
Annasalai, Chennai-600006. ... 2nd Respondent/Respondent No.1

3.M/s.Tamilnadu State Transport Corporation,
rep. through its Managing Director,
Bypass Road, Madurai. ... 3rd Respondent /Respondent No.3
(Respondent No.2 given up)



C.M.A(MD)Nos.770 to 793 of 2025

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.573 of 2016, dated 05.06.2023, on the file of the Motor Accident Claims Tribunal cum Special District Court, Madurai.

For Appellant : Mr.C.Jawahar Ravindran
For Respondents : No Appearance for R.1
: R2- given up
: Mr.P.Prabhakaran
for R.3

C.M.A.(MD)No.771 of 2025:

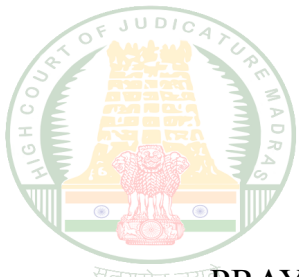
The Oriental Insurance Company Ltd.,
represented by its Divisional Manager,
K.J.R. Complex,
North Veli Street, Madurai –1. ...Appellant/Respondent No.2

Vs.

1.Kottaiammal ... 1st Respondent/Petitioner

2.M/s.South Indian Corporation Private Ltd.,
rep. through its Manager,
No.603, Rani Seethai Hall 6th Floor,
Annasalai, Chennai-600006. ... 2nd Respondent/Respondent No.1

3.M/s.Tamilnadu State Transport Corporation,
rep. through its Managing Director,
Bypass Road, Madurai. ... 3rd Respondent /Respondent No.3
(Respondent No.2 given up)



C.M.A(MD)Nos.770 to 793 of 2025

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.5758 of 2016, dated 05.06.2023, on the file of the Motor Accident Claims Tribunal cum Special District Court, Madurai.

For Appellant : Mr.C.Jawahar Ravindran
For Respondents : Mr.S.Mariselvam
for R.1
: R2- given up
: Mr.P.Prabhakaran
for R.3

C.M.A.(MD)No.772 of 2025:

The Oriental Insurance Company Ltd.,
represented by its Divisional Manager,
K.J.R. Complex,
North Veli Street, Madurai –1. ...Appellant/Respondent No.2

Vs.

1.Mahalakshmi ... 1st Respondent/Petitioner

2.M/s.South Indian Corporation Private Ltd.,
rep. through its Manager,
No.603, Rani Seethai Hall 6th Floor,
Annasalai, Chennai-600006. ... 2nd Respondent/Respondent No.1

3.M/s.Tamilnadu State Transport Corporation,
rep. through its Managing Director,
Bypass Road, Madurai. ... 3rd Respondent /Respondent No.3
(Respondent No.2 given up)



C.M.A(MD)Nos.770 to 793 of 2025

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.732 of 2016, dated 05.06.2023, on the file of the Motor Accident Claims Tribunal cum Special District Court, Madurai.

For Appellant : Mr.C.Jawahar Ravindran

For Respondents : No Appearance for R.1
: R2- given up

: Mr.P.Prabhakaran
for R.3

C.M.A.(MD)No.773 of 2025:

The Oriental Insurance Company Ltd.,
represented by its Divisional Manager,
K.J.R. Complex,
North Veli Street, Madurai –1. ...Appellant/Respondent No.2

Vs.

1.Venkatesan ... 1st Respondent/Petitioner

2.M/s.South Indian Corporation Private Ltd.,
rep. through its Manager,
No.603, Rani Seethai Hall 6th Floor,
Annasalai, Chennai-600006. ... 2nd Respondent/Respondent No.1

3.M/s.Tamilnadu State Transport Corporation,
rep. through its Managing Director,
Bypass Road, Madurai. ... 3rd Respondent /Respondent No.3
(Respondent No.2 given up)



C.M.A(MD)Nos.770 to 793 of 2025

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.733 of 2016, dated 05.06.2023, on the file of the Motor Accident Claims Tribunal cum Special District Court, Madurai.

For Appellant : Mr.C.Jawahar Ravindran

For Respondents : No Appearance for R.1
: R2- given up

: Mr.P.Prabhakaran
for R.3

C.M.A.(MD)No.774 of 2025:

The Oriental Insurance Company Ltd.,
represented by its Divisional Manager,
K.J.R. Complex,
North Veli Street, Madurai –1. ...Appellant/Respondent No.2

Vs.

1.Pandi ... 1st Respondent/Petitioner

2.M/s.South Indian Corporation Private Ltd.,
rep. through its Manager,
No.603, Rani Seethai Hall 6th Floor,
Annasalai, Chennai-600006. ... 2nd Respondent/Respondent No.1

3.M/s.Tamilnadu State Transport Corporation,
rep. through its Managing Director,
Bypass Road, Madurai. ... 3rd Respondent /Respondent No.3
(Respondent No.2 given up)



C.M.A(MD)Nos.770 to 793 of 2025

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.734 of 2016, dated 05.06.2023, on the file of the Motor Accident Claims Tribunal cum Special District Court, Madurai.

For Appellant : Mr.C.Jawahar Ravindran

For Respondents : No Appearance for R.1

: R2- given up

: Mr.P.Prabhakaran
for R.3

C.M.A.(MD)No.775 of 2025:

The Oriental Insurance Company Ltd.,
represented by its Divisional Manager,
K.J.R. Complex,
North Veli Street, Madurai –1. ...Appellant/Respondent No.2

Vs.

1.Pandiammal ... 1st Respondent/Petitioner

2.M/s.South Indian Corporation Private Ltd.,
rep. through its Manager,
No.603, Rani Seethai Hall 6th Floor,
Annasalai, Chennai-600006. ... 2nd Respondent/Respondent No.1

3.M/s.Tamilnadu State Transport Corporation,
rep. through its Managing Director,
Bypass Road, Madurai. ... 3rd Respondent /Respondent No.3
(Respondent No.2 given up)



C.M.A(MD)Nos.770 to 793 of 2025

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.735 of 2016, dated 05.06.2023, on the file of the Motor Accident Claims Tribunal cum Special District Court, Madurai.

For Appellant : Mr.C.Jawahar Ravindran

For Respondents : No Appearance for R.1
: R2- given up
: Mr.P.Prabhakaran
for R.3

C.M.A.(MD)No.776 of 2025:

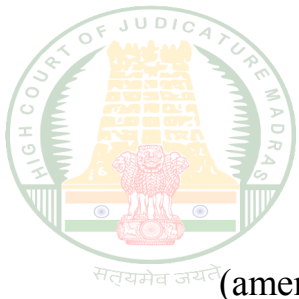
The Oriental Insurance Company Ltd.,
represented by its Divisional Manager,
K.J.R. Complex,
North Veli Street, Madurai –1. ...Appellant/Respondent No.2

Vs.

1.Selvaraj ... 1st Respondent/Petitioner

2.M/s.South Indian Corporation Private Ltd.,
rep. through its Manager,
No.603, Rani Seethai Hall 6th Floor,
Annasalai, Chennai-600006. ... 2nd Respondent/Respondent No.1

3.M/s.Tamilnadu State Transport Corporation,
rep. through its Managing Director,
Dindigul Kottam, Ponmeni,
Bypass Road, Madurai. ... 3rd Respondent /Respondent No.3



C.M.A(MD)Nos.770 to 793 of 2025

(amended as per order in I.A.No.1930 of 2017
dated 27.11.2017)

(Respondent No.2 given up)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.798 of 2016, dated 05.06.2023, on the file of the Motor Accident Claims Tribunal cum Special District Court, Madurai.

For Appellant : Mr.C.Jawahar Ravindran

For Respondents : No Appearance for R.1
: R2- given up
: Mr.P.Prabhakaran
for R.3

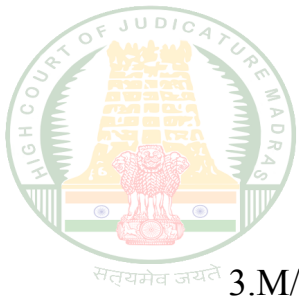
C.M.A.(MD)No.777 of 2025:

The Oriental Insurance Company Ltd.,
represented by its Divisional Manager,
K.J.R. Complex,
North Veli Street, Madurai –1. ...Appellant/Respondent No.2

Vs.

1.Dhanalakshmi ... 1st Respondent/Petitioner

2.M/s.South Indian Corporation Private Ltd.,
rep. through its Manager,
No.603, Rani Seethai Hall 6th Floor,
Annasalai, Chennai-600006. ... 2nd Respondent/Respondent No.1



C.M.A(MD)Nos.770 to 793 of 2025

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3.M/s.Tamilnadu State Transport Corporation,
rep. through its Managing Director,
Dindigul Kottam, Ponmeni,
Byepass Road, Madurai. ... 3rd Respondent /Respondent No.3
(amended as per order in I.A.No.1931 of 2017
dated 27.11.2017) ... 3rdRespondent /Respondent No.3
(Respondent No.2 given up)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the
Motor Vehicles Act, 1988, against the judgment and decree passed in
M.C.O.P.No.799 of 2016, dated 05.06.2023, on the file of the Motor
Accident Claims Tribunal cum Special District Court, Madurai.

For Appellant : Mr.C.Jawahar Ravindran

For Respondents : No Appearance for R.1
: R2- given up
: Mr.P.Prabhakaran
for R.3

C.M.A.(MD)No.778 of 2025:

The Oriental Insurance Company Ltd.,
represented by its Divisional Manager,
K.J.R. Complex,
North Veli Street, Madurai –1. ...Appellant/Respondent No.2

Vs.

1.Minor Kavya ... 1st Respondent/Petitioner
(represented by her mother and
natural guardian K.Mahalakshmi)



C.M.A(MD)Nos.770 to 793 of 2025

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2.M/s.South Indian Corporation Private Ltd.,

rep. through its Manager,

No.603, Rani Seethai Hall 6th Floor,

Annasalai, Chennai-600006. ... 2nd Respondent/Respondent No.1

3.M/s.Tamilnadu State Transport Corporation,

rep. through its Managing Director,

Byepass Road, Madurai 16. ... 3rd Respondent /Respondent No.3

(Respondent No.2 given up)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.935 of 2016, dated 05.06.2023, on the file of the Motor Accident Claims Tribunal cum Special District Court, Madurai.

For Appellant : Mr.C.Jawahar Ravindran

For Respondents : No Appearance for R.1
: R2- given up
: Mr.P.Prabhakaran
for R.3

C.M.A.(MD)No.779 of 2025:

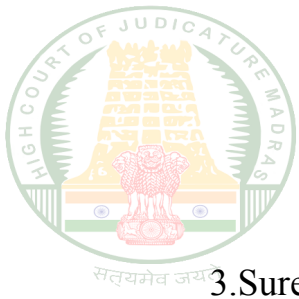
The Oriental Insurance Company Ltd.,
represented by its Divisional Manager,
K.J.R. Complex,
North Veli Street, Madurai –1. ...Appellant/Respondent No.2

Vs.

1.Mahalakshmi ... 1st Respondent/1st Petitioner

2.Saravanakumar ... 2nd Respondent/2nd Petitioner

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C.M.A(MD)Nos.770 to 793 of 2025

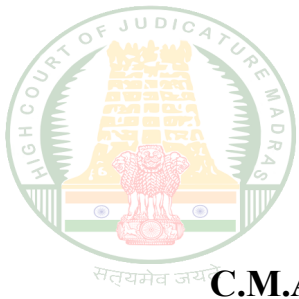
- 3.Suresh : 3rd Respondent/3rd Petitioner
4.Guruvammal : 4th Respondent/4th Petitioner
5.M/s.South Indian Corporation Private Ltd.,
rep. through its Manager,
No.603, Rani Seethai Hall 6th Floor,
Annasalai, Chennai-600006. ... 5th Respondent/Respondent No.1
6.M/s.Tamilnadu State Transport Corporation,
rep. through its Managing Director,
Bypass Road, Madurai-16 ... 6th Respondent /Respondent No.3
7.Thanakumari ... 7th Respondent/Respondent No.4
8.Akkammal ... 8th Respondent/Respondent No.5

(Respondent No.5 given up)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.82 of 2016, dated 05.06.2023, on the file of the Motor Accident Claims Tribunal cum Special District Court, Madurai.

For Appellant : Mr.C.Jawahar Ravindran

For Respondents : No Appearance for R.1 to R.4, R.7
and R.8
: R5- given up
: Mr.P.Prabhakaran
for R.6



C.M.A(MD)Nos.770 to 793 of 2025

C.M.A.(MD)No.780 of 2025:

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The Oriental Insurance Company Ltd.,
represented by its Branch Manager,
North Veli Street, Madurai –1. ...Appellant/Respondent No.2

Vs.

- 1.Muthammal : 1st Respondent/1st Petitioner
- 2.Suchan : 2nd Respondent/2nd Petitioner
- 3.Lakshmi : 3rd Respondent/3rd Petitioner
- 4.M/s.South Indian Corporation Private Ltd.,
rep. through its Manager,
No.603, Rani Seethai Hall 6th Floor,
Annasalai, Chennai-600006. ... 4th Respondent/Respondent No.1
- 5.M/s.Tamilnadu State Transport Corporation,
rep. through its Branch Manager,
Theni Branch ... 5th Respondent /Respondent No.3
(Respondent No.4 given up)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.138 of 2016, dated 05.06.2023, on the file of the Motor Accident Claims Tribunal cum Special District Court, Madurai.

For Appellant : Mr.C.Jawahar Ravindran

For Respondents : No Appearance for R.1 to R.3
: R4- given up
: Mr.P.Prabhakaran
for R.5



C.M.A(MD)Nos.770 to 793 of 2025

C.M.A.(MD)No.781 of 2025:

WEB COPY

The Oriental Insurance Company Ltd.,
represented by its Branch Manager,
TPHUB, A.R. Plaza,
North Veli Street, Madurai –1. ...Appellant/Respondent No.2

Vs.

1.Deva Sornam : 1st Respondent/1st Petitioner
2.Minor.Subitsha : 2nd Respondent/2nd Petitioner
3.Minor.Joelraj : 3rd Respondent/3rd Petitioner
(2nd and 3rd petitioners represented
by their mother / next guardian ie.,
first petitioner)

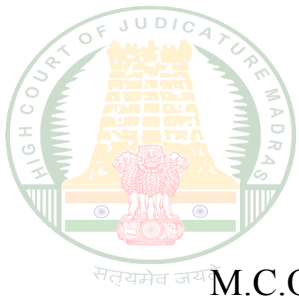
4.M/s.South Indian Corporation Private Ltd.,
rep. through its Manager,
No.603, Rani Seethai Hall 6th Floor,
Annasalai, Chennai-600006. ... 4th Respondent/Respondent No.1

5.M/s.Tamilnadu State Transport Corporation,
rep. through its Branch Manager,
Dindigul. ... 5th Respondent /Respondent No.3

6.Thooyamani ... 6th Respondent/Respondent No.4

(Respondent No.4 given up)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the
Motor Vehicles Act, 1988, against the judgment and decree passed in



C.M.A(MD)Nos.770 to 793 of 2025

M.C.O.P.No.182 of 2016, dated 05.06.2023, on the file of the Motor
Accident Claims Tribunal cum Special District Court, Madurai.

For Appellant : Mr.C.Jawahar Ravindran

For Respondents : Mr.K.Pandiarajan
for R.1 to R.3
: R4- given up
: Mr.P.Prabhakaran
for R.5
: No Appearance for R.6

C.M.A.(MD)No.782 of 2025:

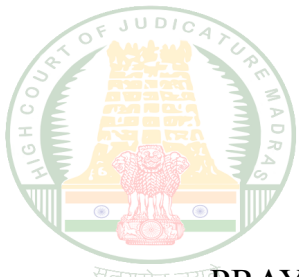
The Oriental Insurance Company Ltd.,
represented by its Branch Manager,
TPHUB, A.R. Plaza,
North Veli Street, Madurai –1. ...Appellant/Respondent No.2

Vs.

1.Deva Sornam : 1st Respondent/1st Petitioner

2.M/s.South Indian Corporation Private Ltd.,
rep. through its Manager,
No.603, Rani Seethai Hall 6th Floor,
Annasalai, Chennai-600006. ... 2th Respondent/Respondent No.1

5.M/s.Tamilnadu State Transport Corporation,
rep. through its Branch Manager,
Dindigul. ... 3th Respondent /Respondent No.3
(Respondent No.2 given up)



C.M.A(MD)Nos.770 to 793 of 2025

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.183 of 2016, dated 05.06.2023, on the file of the Motor Accident Claims Tribunal cum Special District Court, Madurai.

For Appellant : Mr.C.Jawahar Ravindran

For Respondents : Mr.K.Pandiarajan
for R.1
: R2- given up
: Mr.P.Prabhakaran
for R.3

C.M.A.(MD)No.783 of 2025:

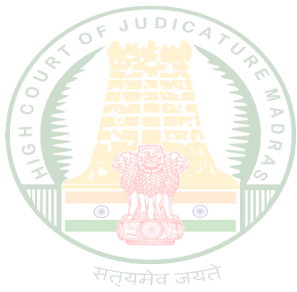
The Oriental Insurance Company Ltd.,
represented by its Branch Manager,
No.39/40, J.R.K.Complex,
Simmakkal, Madurai ...Appellant/Respondent No.2

Vs.

Andavar (died) : 1st petitioner
(amended as per order
in I.A.No.263/2020, dated
19.03.2021)

1.Petchiammal	: 1 st Respondent/2 st Petitioner
2.Mariammal	: 2 nd Respondent/3 rd Petitioner
3.Nagammal	: 3 rd Respondent/4 th Petitioner
4.Kamatchi	: 4 th Respondent/5 th Petitioner
5.Pethanan	: 5 th Respondnet/6 th Petitioner
6.Santhi	: 6 th Respondent/7 th Petitioner

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C.M.A(MD)Nos.770 to 793 of 2025

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7.M/s.South Indian Corporation Private Ltd.,
rep. through its Manager,
No.603, Rani Seethai Hall 6th Floor,
Annasalai, Chennai-600006. ... 7th Respondent/Respondent No.1

8.M/s.Tamilnadu State Transport Corporation,
rep. through its Managing Director,
Palani, Bye Pass Road,
Dindigul. ... 8th Respondent /Respondent No.3
(Respondent No.7 given up)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.510 of 2016, dated 05.06.2023, on the file of the Motor Accident Claims Tribunal cum Special District Court, Madurai.

For Appellant : Mr.C.Jawahar Ravindran

For Respondents : No Appearance for R.1 to R.6
: R7- given up
: Mr.P.Prabhakaran
for R.8

C.M.A.(MD)No.784 of 2025:

The Oriental Insurance Company Ltd.,
represented by its Divisional Manager,
K.J.R.Complex,
North Veli Street, Madurai –1. ...Appellant/Respondent No.2

Vs.



C.M.A(MD)Nos.770 to 793 of 2025

1.Natarajan
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: 1st Respondent/1st Petitioner

2.M/s.South Indian Corporation Private Ltd.,
rep. through its Manager,
No.603, Rani Seethai Hall 6th Floor,
Annasalai, Chennai-600006. ... 2th Respondent/Respondent No.1

3.M/s.Tamilnadu State Transport Corporation,
rep. through its Managing Director,
Bye Pass Road, Madurai. ... 3th Respondent /Respondent No.3
(Respondent No.2 given up)

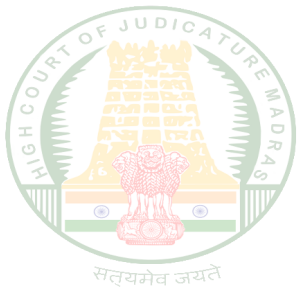
PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.569 of 2016, dated 05.06.2023, on the file of the Motor Accident Claims Tribunal cum Special District Court, Madurai.

For Appellant : Mr.C.Jawahar Ravindran

For Respondents : Mr.S.Mari Selvam
for R.1
: R2- given up
: Mr.P.Prabhakaran
for R.3

C.M.A.(MD)No.785 of 2025:

The Oriental Insurance Company Ltd.,
represented by its Divisional Manager,
K.J.R.Complex,
North Veli Street, Madurai –1. ...Appellant/Respondent No.2



C.M.A(MD)Nos.770 to 793 of 2025

Vs.

WEB COPY

1.Muthukaleeswaran : 1st Respondent/1st Petitioner

2.M/s.South Indian Corporation Private Ltd.,
rep. through its Manager,
No.603, Rani Seethai Hall 6th Floor,
Annasalai, Chennai-600006. ... 2th Respondent/Respondent No.1

5.M/s.Tamilnadu State Transport Corporation,
rep. through its Branch Manager,
Dindigul. ... 3th Respondent /Respondent No.3
(Respondent No.2 given up)

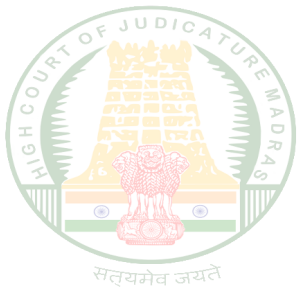
PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.570 of 2016, dated 05.06.2023, on the file of the Motor Accident Claims Tribunal cum Special District Court, Madurai.

For Appellant : Mr.C.Jawahar Ravindran

For Respondents : No Appearance for R.1
: R2- given up
: Mr.P.Prabhakaran
for R.3

C.M.A.(MD)No.786 of 2025:

The Oriental Insurance Company Ltd.,
represented by its Divisional Manager,
K.J.R.Complex,
North Veli Street, Madurai –1. ...Appellant/Respondent No.2



C.M.A(MD)Nos.770 to 793 of 2025

WEB COPY

Vs.

1.Maniselvam : 1st Respondent/ Petitioner

2.M/s.South Indian Corporation Private Ltd.,
rep. through its Manager,
No.603, Rani Seethai Hall 6th Floor,
Annasalai, Chennai-600006. ... 2th Respondent/Respondent No.1

5.M/s.Tamilnadu State Transport Corporation,
rep. through its Managing Director,
Bye Pass Road, Madurai. ... 3th Respondent /Respondent No.3
(Respondent No.2 given up)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.571 of 2016, dated 05.06.2023, on the file of the Motor Accident Claims Tribunal cum Special District Court, Madurai.

For Appellant : Mr.C.Jawahar Ravindran

For Respondents : Mr.S.Mariselvam
for R.1
: R2- given up

: Mr.P.Prabhakaran
for R.3



C.M.A(MD)Nos.770 to 793 of 2025

C.M.A.(MD)No.787 of 2025:

WEB COPY

The Oriental Insurance Company Ltd.,
represented by its Divisional Manager,
K.J.R.Complex,
North Veli Street, Madurai –1. ...Appellant/Respondent No.2

Vs.

1.Subramanian : 1st Respondent/Petitioner

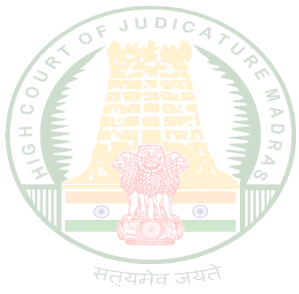
2.M/s.South Indian Corporation Private Ltd.,
rep. through its Manager,
No.603, Rani Seethai Hall 6th Floor,
Annasalai, Chennai-600006. ... 2th Respondent/Respondent No.1

5.M/s.Tamilnadu State Transport Corporation,
rep. through its Managing Director,
Bye Pass Road, Madurai. ... 3th Respondent /Respondent No.3
(Respondent No.2 given up)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the
Motor Vehicles Act, 1988, against the judgment and decree passed in
M.C.O.P.No.572 of 2016, dated 05.06.2023, on the file of the Motor
Accident Claims Tribunal cum Special District Court, Madurai.

For Appellant : Mr.C.Jawahar Ravindran

For Respondents : No Appearance for R.1
: R2- given up
: Mr.P.Prabhakaran
for R.3



C.M.A(MD)Nos.770 to 793 of 2025

WEB CO C.M.A.(MD)No.788 of 2025:

The Oriental Insurance Company Ltd.,
represented by its Divisional Manager,
K.J.R.Complex,
North Veli Street, Madurai –1. ...Appellant/Respondent No.2

Vs.

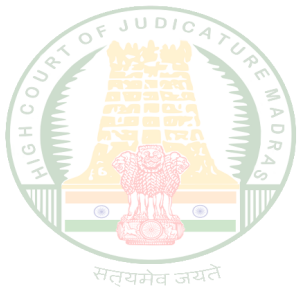
1.Minor Kumaresan : 1st Respondent/Petitioner
represented by his mother
and natural guardian
K.Mahalakshmi

2.M/s.South Indian Corporation Private Ltd.,
rep. through its Manager,
No.603, Rani Seethai Hall 6th Floor,
Annasalai, Chennai-600006. ... 2th Respondent/Respondent No.1

5.M/s.Tamilnadu State Transport Corporation,
rep. through its Managing Director,
Bye Pass Road, Madurai-16. ... 3th Respondent /Respondent No.
3

(Respondent No.2 given up)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the
Motor Vehicles Act, 1988, against the judgment and decree passed in
M.C.O.P.No.936 of 2016, dated 05.06.2023, on the file of the Motor
Accident Claims Tribunal cum Special District Court, Madurai.



C.M.A(MD)Nos.770 to 793 of 2025

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For Appellant : Mr.C.Jawahar Ravindran

For Respondents : No Appearance for R.1
: R2- given up
: Mr.P.Prabhakaran
for R.3

C.M.A.(MD)No.789 of 2025:

The Oriental Insurance Company Ltd.,
represented by its Branch Manager,
West Veli Street, Madurai –1. ...Appellant/Respondent No.2

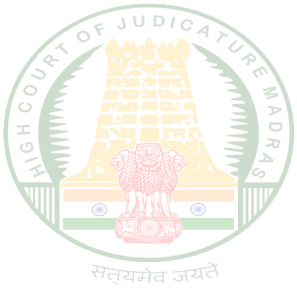
Vs.

1.Muthammal : 1st Respondent/Petitioner

2.M/s.South Indian Corporation Private Ltd.,
rep. through its Manager,
No.603, Rani Seethai Hall 6th Floor,
Annasalai, Chennai-600006. ... 2th Respondent/Respondent No.1

5.M/s.Tamilnadu State Transport Corporation,
rep. through its Managing Director,
Theni Branch. ... 3th Respondent /Respondent No.3
(Respondent No.2 given up)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.1304 of 2016, dated 05.06.2023, on the file of the Motor Accident Claims Tribunal cum Special District Court, Madurai.



C.M.A(MD)Nos.770 to 793 of 2025

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For Appellant : Mr.C.Jawahar Ravindran

For Respondents : No Appearance for R.1
: R2- given up
: Mr.P.Prabhakaran
for R.3

C.M.A.(MD)No.790 of 2025:

The Oriental Insurance Company Ltd.,
represented by its Divisional Manager,
West Veli Street, Madurai –1. ...Appellant/Respondent No.2

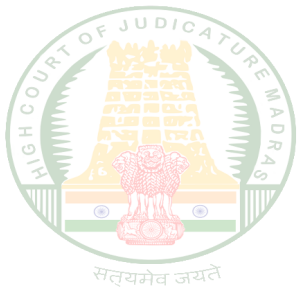
Vs.

1.Ponnuthai : 1st Respondent/Petitioner

2.M/s.South Indian Corporation Private Ltd.,
rep. through its Manager,
No.603, Rani Seethai Hall 6th Floor,
Annasalai, Chennai-600006. ... 2th Respondent/Respondent No.1

5.M/s.Tamilnadu State Transport Corporation,
rep. through its Managing Director,
Bye Pass Road, Madurai. ... 3th Respondent /Respondent No.3
(Respondent No.2 given up)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.1636 of 2016, dated 05.06.2023, on the file of the Motor Accident Claims Tribunal cum Special District Court, Madurai.



C.M.A(MD)Nos.770 to 793 of 2025

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For Appellant : Mr.C.Jawahar Ravindran

For Respondents : No Appearance for R.1
: R2- given up
: Mr.P.Prabhakaran
for R.3

C.M.A.(MD)No.791 of 2025:

The Oriental Insurance Company Ltd.,
represented by its Divisional Manager,
West Veli Street, Madurai –1. ...Appellant/Respondent No.2

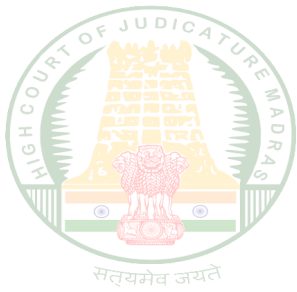
Vs.

1.Panchu : 1st Respondent/ Petitioner

2.M/s.South Indian Corporation Private Ltd.,
rep. through its Manager,
No.603, Rani Seethai Hall 6th Floor,
Annasalai, Chennai-600006. ... 2th Respondent/Respondent No.1

5.M/s.Tamilnadu State Transport Corporation,
rep. through its Managing Director,
Bye Pass Road, Madurai-16 ... 3th Respondent /Respondent No.3
(Respondent No.2 given up)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.1637 of 2016, dated 05.06.2023, on the file of the Motor Accident Claims Tribunal cum Special District Court, Madurai.



C.M.A(MD)Nos.770 to 793 of 2025

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For Appellant : Mr.C.Jawahar Ravindran

For Respondents : No Appearance for R.1
: R2- given up
: Mr.P.Prabhakaran
for R.3

C.M.A.(MD)No.792 of 2025:

The Oriental Insurance Company Ltd.,
represented by its Divisional Manager,
West Veli Street, Madurai –1. ...Appellant/Respondent No.2

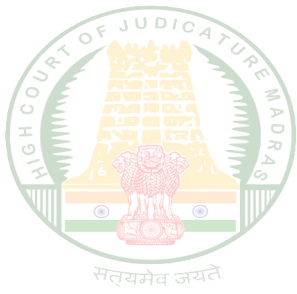
Vs.

1.Muthulakshmi : 1st Respondent/ Petitioner

2.M/s.South Indian Corporation Private Ltd.,
rep. through its Manager,
No.603, Rani Seethai Hall 6th Floor,
Annasalai, Chennai-600006. ... 2th Respondent/Respondent No.1

5.M/s.Tamilnadu State Transport Corporation,
rep. through its Managing Director,
Bye Pass Road, Madurai-16. ... 3th Respondent /Respondent No.3
(Respondent No.2 given up)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.1660 of 2016, dated 05.06.2023, on the file of the Motor Accident Claims Tribunal cum Special District Court, Madurai.



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C.M.A(MD)Nos.770 to 793 of 2025

For Appellant : Mr.C.Jawahar Ravindran

For Respondents : No Appearance for R.1
: R2- given up
: Mr.P.Prabhakaran
for R.3

C.M.A.(MD)No.793 of 2025:

The Oriental Insurance Company Ltd.,
represented by its Divisional Manager,
Chennai. ...Appellant/Respondent No.3

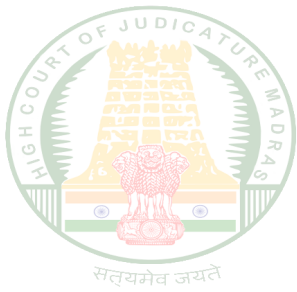
Vs.

1.Vijayalakshmi : 1st Respondent/1st Petitioner
2.Arunkumar : 2nd Respondent/2nd Petitioner
3.Krishnaveni : 3rd Respondent/3rd Petitioner
4.M/s.Tamilnadu State Transport Corporation,
rep. through its Managing Director,
Bypass Road, Madurai. ... 4th Respondent /Respondent No.1

5.M/s.South Indian Corporation Private Ltd.,
rep. through its Manager,
No.603, Rani Seethai Hall 6th Floor,
Annasalai, Chennai-600006. ... 5th Respondent/Respondent No.2

(Respondent No.5 given up)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.174 of 2017, dated 05.06.2023, on the file of the Motor Accident Claims Tribunal cum Special District Court, Madurai.



C.M.A(MD)Nos.770 to 793 of 2025

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For Appellant : Mr.C.Jawahar Ravindran

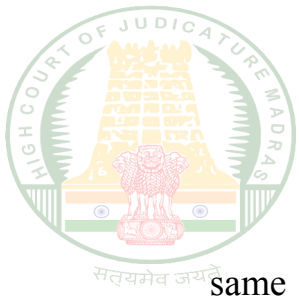
For Respondents : No Appearance for R.1 to R.3
: Mr.P.Prabhakaran
for R.4
: R5- given up

COMMON JUDGMENT

These Civil Miscellaneous Appeals are directed against the common order passed in M.C.O.P.Nos.573, 575, 732, 733, 734, 735, 798, 799, 935, 82, 138, 182, 183, 510, 569, 570, 571, 572, 936, 1304, 1636, 1637, 1660 of 2016 and 174 of 2017, dated 05.06.2023, on the file of the Motor Accident Claims Tribunal / Special District Court, Madurai.

2. The appellant/Insurer who was mulcted with the liability to pay compensation to all the claimants in a batch of claim petitions for the accident occurred on 06.02.2016, challenged the liability fastened on it.

3. It is not in dispute that the lorry bearing Registration No.TN-01-AS-8128 is owned by the South Indian Corporation Private Ltd., and the



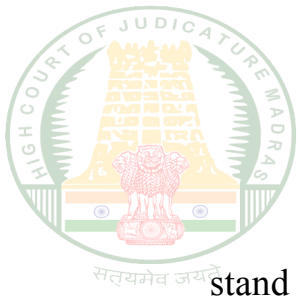
C.M.A(MD)Nos.770 to 793 of 2025

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same is insured with the Oriental Insurance Company Limited and the bus bearing Registration No.TN-57-N-1872 is owned by the Tamil Nadu State Transport Corporation.

4. For the sake of convenience and brevity, the South Indian Corporation Private Ltd, the Oriental Insurance Company Ltd., and the Tamil Nadu State Transport Corporation will hereinafter be referred as the owner, insurer and the Transport Corporation respectively.

5. The common case of the claimants is that on 06.02.2016, the claimants and others were travelling as passengers in a bus bearing Registration No.TN-57-N-1872 from Tirunelveli to Theni and when the bus was proceeding in Rajapalayam to Madurai NH208 road and in the place near Gopalsamay Hills, a lorry bearing Registration No.TN-01-AS-8128, came in the opposite direction, that both the vehicles dashed against each other and as a result of which, some of the passengers in the bus had died and other passengers had sustained injuries. Some of the claimants canvassed the case that the lorry driver alone had driven the vehicle in a rash and negligent manner and on wrong side and was responsible for the accident, whereas some other claimants have taken a



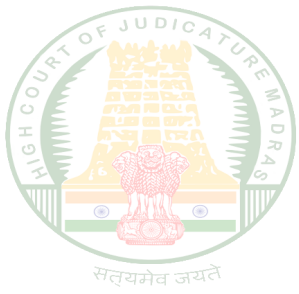
C.M.A(MD)Nos.770 to 793 of 2025

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stand that both the bus driver as well as the lorry driver had driven their vehicles in a rash and negligent manner and both were responsible for the accident.

6. The defence of the insurer in all claim petitions is that the lorry driver was driving slowly, observing traffic rules, and sounding the horn on the Rajapalayam to Madurai NH208 road. Near Gopalsamy Hills, around 3:05 p.m., the Transport Corporation bus allegedly driven rashly and negligently at high speed, without adhering to traffic rules, came from the opposite direction and collided with the lorry despite the lorry driver's attempt to stop. The insurer attributes the accident solely to the bus driver's rash and negligent driving, exonerating the lorry driver.

7. The Transport Corporation's defence is that the bus driver had taken his trip from Tirunelveli to Kumuli at 11:40 a.m. and when the bus driver was driving his vehicle slowly on the left side of the Madurai to Rajapalayam National Highway, sounding horn near Gopalsamy Hills, a lorry came in the opposite direction in a zig-zag fashion and in a rash and negligent manner, crossing the central line of the road. The bus driver, on noticing the same, sounded the horn and switched on the headlights, and



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despite warnings and the alarm raised by the conductor and passengers, the lorry driver continued in the same manner. The bus driver, in order to avert the accident, turned the bus towards the right side, but the lorry dashed against the left side of the bus and caused the accident. Therefore, the Transport Corporation claims that the bus driver was not at fault, and the lorry driver alone was responsible for the accident.

8. During joint enquiry, 31 claimants were examined as P.W.1 to P.W.31, 135 documents were exhibited as Exs.P.1 to P.135 and 16 witness documents were marked as Exs.X.1 to X.16. The Insurer examined 4 witnesses as R.W.1 to R.W.4, and exhibited 4 documents as Exs.R.1 to R.4. The Transport Corporation examined its conductor as R.W.5 and exhibited two documents as Exs.R.5 and R.6. The disability certificates issued by the concerned Medical Board to the injured claimants came to be exhibited as Exs.C.1 to C.15. The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both sides, passed the impugned common order dated 05.06.2023, by holding that the lorry driver was responsible for the accident, directed the Insurer to pay the compensation amounts to all the



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claimants. Aggrieved by the impugned award, the Insurer had preferred the present appeals.

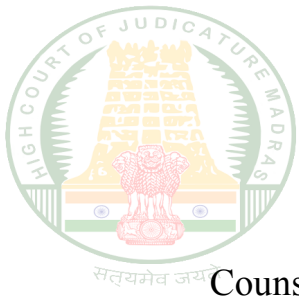
9. The points for consideration are

(1) Whether the Tribunal erred in giving a finding that the lorry driver was responsible for the accident despite proving through ample evidence that the bus driver alone was responsible for the accident through evidence of lorry cleaner and the admissions made by P.W.1-claimant and the conductor of the bus -R.W.5 and through the way in which the accident was occurred and lie of the vehicles after the accident?

(2) Whether the accident was occurred due to the rash and negligent driving of the bus driver or the lorry driver?

(3) Whether the appeals are liable to be allowed?

10. It is pertinent to note that the accident and the involvement of the lorry and the bus are admitted, with the dispute centering on who is responsible. No doubt, as rightly pointed out by the learned Counsel for the Insurer, some claimants in their claim petitions initially blamed both drivers for the accident. But as rightly pointed out by the learned

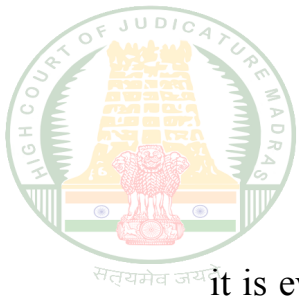


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Counsel for the Transport Corporation and by the learned Counsel for some claimants and as rightly observed by the learned trial Judge, P.W.1, P.W.3, P.W.4, P.W.5, P.W.6, P.W.7, P.W.8, P.W.10, P.W.11, P.W.12, P.W.18, P.W.19, P.W.20, P.W.21, P.W.22, P.W.23, P.W.27, P.W.28 and P.W.29 in their evidence would reiterate the version that the accident was occurred only due to the rash and negligent driving of the lorry driver. Notably, the FIR in Cr.No.19 of 2016 was registered against the lorry driver, Muthukumar, based on the complaint lodged by the bus conductor (R.W.5). The complaint alleges offences under Sections 279, 337, 338, and 304(A) IPC and states that near Gopalsamy Hills, the lorry crossed the center lane in a rash and negligent manner. According to the complaint, the bus driver sounded the horn, switched on the headlights, and attempted to avert the accident by braking and turning right, but the lorry driver suddenly turned left and collided with the bus.

11. The learned Counsel for the Insurer would submit that none of the claimants / injured has preferred any complaint before the police and that the conductor of the bus in consultation with the Corporation Officers, lodged a complaint as if the lorry driver was at fault. But as rightly pointed out by the learned Counsel for the Transport Corporation,



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It is evident from the F.I.R., that the jurisdictional police after coming to know about the accident went to the Government Rajaji Hospital, Madurai and recorded the statement of R.W.5 – conductor of the bus, who was taking treatment in the said hospital and only on the basis of the said statement, F.I.R., came to be registered.

12. It is further evident that the complaint statement from R.W.5 – conductor was recorded at 20.30 hours on 10.02.2016 at Government Rajaji Hospital, Madurai. It is not the case of the Insurer that the owner of the vehicle or its alleged cleaner (R.W.1) has preferred any complaint with regard to the accident before the jurisdictional police, but the same was refused. It is also not their case that the owner has approached the higher police authorities complaining that false complaint was received and F.I.R., was registered or for not registering their complaint. It is also not their case that the owner has taken appropriate proceedings challenging the F.I.R., or for registering their complaint against the bus driver.

13. The learned counsel for insurer would submit that the lorry, carrying 16 tons of cement, could not have been driven in a zig-zag

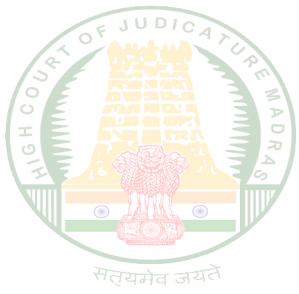


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manner or suddenly turned. Relying on the evidence of the cleaner (R.W. 1) and bus conductor (R.W.5), who stated that the bus driver turned right, the learned counsel for the Insurer would contend that this action put the bus on the wrong side of the road. Given the road's width (60 feet with 5-foot mud shoulders on either side), the learned counsel would argue that the bus driver should have turned left to avoid the accident, rather than turning right, which allegedly contributed to the collision.

14. The learned Counsel would further submit that P.W.1, a claimant, admitted in cross-examination that the bus driver could have averted the accident if he had turned left. Additionally, the Counsel would point out that P.W.1's evidence reveals the bus stopped frequently (4-5 times) within a short span (half an hour) from Rajapalayam, with each stop lasting around 2 minutes, totaling 15 minutes for passenger boarding and alighting. Despite this, the bus reached the accident spot in half an hour, suggesting excessive speed. The learned Counsel would also highlight that the bus conductor's (R.W.5) admission that the bus halted for half an hour in Rajapalayam and stopped at 15 places, further supporting the argument that the bus driver drove rashly and negligently at high speed, contributing to the accident.

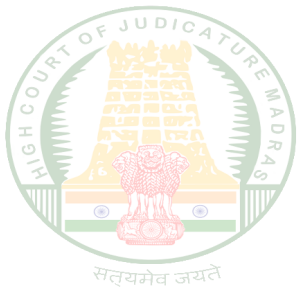


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15. The learned Counsel would further submit that the cleaner of the lorry (R.W.1) testified that the lorry driver was proceeding slowly on the left side of the road, given the heavy load. R.W.1 stated that the bus, overloaded with passengers, came from the opposite direction in a rash and negligent manner. Upon noticing the bus, the lorry driver attempted to stop by turning towards the left side onto the mud road, but the bus collided with the lorry.

16. The learned Counsel would further argue that during R.W.1's cross-examination, the claimants suggested that both drivers were careless and that adhering to their respective lanes could have prevented the accident and the above suggestion implies that the bus driver was also at fault. Additionally, the learned Counsel would point out to the rough sketch and observation mahazar, which show that post-accident, the bus was positioned east-west across the road, and the lorry was toppled in the same direction with cement bags scattered. This physical evidence, the Counsel would contend, indicates that the bus crossed into the wrong side and struck the lorry's front, causing it to topple.



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17. The learned Counsel for the Transport Corporation would submit that the owner of the lorry had remained ex parte, that the Insurer examined R.W.1, purportedly the lorry's cleaner, but several doubts arise about R.W.1's credibility. Notably, R.W.1 claimed treatment at a private hospital in Tenkasi but failed to produce medical records. Furthermore, neither the Insurer nor R.W.1 provided evidence confirming R.W.1's employment as the lorry's cleaner at the time of the accident. Given these gaps, the trial Court rightly doubted R.W.1's presence during the accident.

18. The learned Counsel would further submit that the Insurer examined its investigator and surveyor, but their reports are not binding on the Tribunal, which rightly rejected them. Additionally, the learned Counsel would point out that the Transport Corporation's claim petition for damages to the bus has already resulted in a final award, lending credence to the Tribunal's findings. The learned Counsel would contend that the Insurer failed to disprove the lorry's negligence and that the appeals rely on inconsistent and unreliable testimony, already discarded by the Tribunal. Therefore, there is no basis to interfere with the Tribunal's reasoned findings on liability.



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19. The Insurer has not specifically disputed that R.W.5 was not working as a conductor in the bus involved in the accident at that time. R.W.5, during cross-examination made on behalf of the claimants would say

“அரசு ஸ்பருந்து சேன்று கொண்டிருக்கும் ஸ்பாது லாரி அது சேல்ல ஸ்வண்டிய பாதையில் சேல்லாமல் தவறான பாதையில் அரசு ஸ்பருந்திற்கு முன்பு ஸ்ருக்கு ஸ்ருர் வந்ததால் அரசு ஸ்பருந்தில் ஸ்ருந்த பயணிகளை காப்பாற்றும் பௌட்டு விபத்தை தவிர்க்கும் பௌட்டும் ஸ்ராட்டின் வலது பக்கம் சேன்று ஓட்டுநர் ஸ்பருந்தை நிறுத்திவிட்டார். நிறுத்திய ஸ்பருந்தின் மீது லாரி ஓட்டுநர் கவனக்குறைவாகவும்இ அஜாக்கிரதையாகவும் வந்து ஸ்மாதியதால்தான் விபத்து ஏற்பட்டது. அரசு ஸ்பருந்திற்கு டேது சைடு பக்கம் முழுவதும் ஸ்சதம் ஏற்பட்டது.”

20. R.W.5 consistently stated in his complaint and chief examination that he witnessed the accident from his vantage point near the doorstep. His testimony remained unshaken despite rigorous cross-examination by the Insurer. When R.W.5 was cross-examined by Insurer side, he would reiterate

“எதிர வந்த லாரி உழன்று வந்ததை நாட்கள் 100 அடி துஸரத்தில்



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பார்த்தாம். லாரி உழன்று வருவதை பார்த்து எட்கள் ஓட்டுநர்
பருந்தை சாலையின் டேது ஓரமாக நிறுத்த முயற்சி செய்தாரா
என்றால் அவ்வாறு நிறுத்தியிருந்தால் லாரி நராக வந்து மாதிரிவீடும்
என்பதால் வலது பக்கம் திருப்பி நிறுத்தினாம். பருந்தை டேது
ஓரமாக நிறுத்தியிருந்தால் விபத்து நடந்திருக்காது என்றால் சரியல்ல.”

As rightly contended by the learned Counsel for the Transport Corporation, R.W.5 provided a plausible and acceptable explanation in his evidence for the bus driver's decision to turn the vehicle towards the right, and this testimony remained unshaken during cross-examination.

21. R.W.5's evidence indicates that the bus started from Tirunelveli at 11:35 a.m. and halted at Rajapalayam for half an hour. Given the accident occurred at 3:05 p.m., P.W.1's claim that the bus reached the accident spot within half an hour appears implausible. Considering the overall evidence, including R.W.5's testimony, it is unlikely that the bus covered the distance in such a short time. Hence, inferring excessive speed by the bus driver may not be justified.

22. The insurer examined R.W.1, purportedly the lorry cleaner, but he failed to produce evidence confirming his presence as a cleaner during



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the accident. Notably, R.W.1 admitted to working as a cleaner at the time of the accident and later as a driver in the same company. Given the severity of the accident, which resulted in the deaths of both the bus and lorry drivers, and injuries to all the bus passengers, including the conductor, with some succumbing to their injuries, R.W.1's claim of sustaining minor injuries and receiving treatment at a private hospital in Tenkasi lacks corroborating evidence. Significantly, R.W.1 did not file a claim petition, further casting doubt on his involvement. When R.W.1 was cross-examined by the Transport Corporation side, he would say that

“செட்டிநாடு கம்பெனியில் ஁வலை பார்த்து வந்ததற்கு அடையாள அட்டை எதுவும் கொடுக்கப்படவில்லை. நான் னேறு சாட்சியம் அளிக்க நீதிமன்றத்திற்கு வந்ததற்கு எட்கள் கம்பெனிக்கு தெரியுமா என்றால் எட்கள் கம்பெனி ஁மானஜர் என்னிடம் ஁கார்ட்டில் சாட்சியம் சொல்வதற்கு சம்மன் வரும் என்று தெரிவித்திருந்தார். என் மனைவியும் என்னுடைய வீட்டிற்கு சம்மன் வந்ததாக கூறினார். எட்கள் கம்பெனியில் டிரைப் சீட் பராமரிப்பு லேலை. விபத்து சமயத்தில் நான் கிளினராக சென்றதற்கு ஁தாரம் உள்ளதா என்றால் லேலை.”

23. As rightly pointed out by the learned counsel for Transport Corporation, the Insurer failed to obtain documentation from the owner



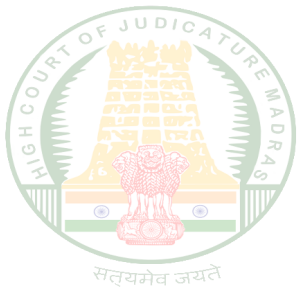
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company to substantiate R.W.1's claim of working as a cleaner at the time of the accident and his current role as a driver. Given the lack of evidence supporting R.W.1's presence, the Tribunal's decision to discard his testimony is justified and warrants no interference.

24. Regarding the lie of the vehicles after the accident, no doubt, as rightly pointed out by the learned Counsel for the Insurer, that it is evident from the rough sketch and observation mahazar, the bus was found standing facing East and toppled lorry facing East was found on the North of the bus. At this juncture, it is necessary to refer the judgment of the Hon'ble Supreme Court in ***Jiju Kuruvila and others Vs. Kunjamma Mohan and Others*** reported in ***2013(2) TNMAC 44 (SC)***, wherein the Hon'ble Supreme Court has held that mere position of the vehicles after the accident as shown in the rough sketch cannot give a substantial proof as to the rash and negligent driving on the part of the one or the other driver and the relevant passage is extracted hereunder:

“24. The mere position of the vehicles after accident, as shown in a Scene Mahazar, cannot give a substantial proof as to the rash and negligent driving on the part of one or the other. When two vehicles coming from opposite directions collide, the position of the vehicles and its direction etc.



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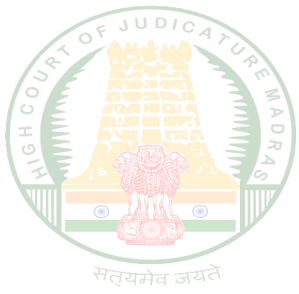


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depends on number of factors like speed of vehicles, intensity of collision, reason for collision, place at which one vehicle hit the other, etc. From the scene of the accident, one may suggest or presume the manner in which the accident caused, but in absence of any direct or corroborative evidence, no conclusion can be drawn as to whether there was negligence on the part of the driver. In absence of such direct or corroborative evidence, the Court cannot give any specific finding about negligence on the part of any individual.

25. In the case of ***the Divisional Manager, the New India Assurance Co., Ltd., Vs. the District Superintendent of Police, Vellore,*** reported in ***2012 ASC 2451 (Mad)***, wherein a learned Judge of this Court has held as follows:

“14. Rough sketch drawn by the police, in a road accident cannot be taken as a conclusive proof, as to the manner of accident, for the reason that, on the main road or on a high way, depending upon the speed, weight of the vehicles involved in the accident, the last minute attempt on the part of the drivers involved in the accident to swerve the vehicles, to avoid any head on collision, the control of the vehicles, on account of the impact or the injuries sustained by the drivers, the position of the vehicles, may change. After the accident, the vehicles cannot always be expected to come to a

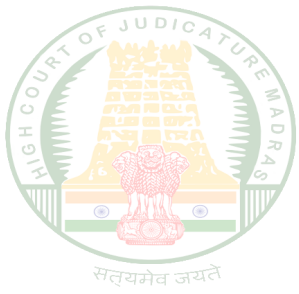


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sudden halt. In a case involving two or more vehicles, after the impact, the vehicles would come to a halt, on account of either the driver losing control over the vehicle or if the driver, not injured seriously, depending upon gravity of the injuries, and still able to control the vehicle, he would stop the vehicle. If both the drivers sustain injuries and not in a position to control, depending upon the factors stated supra, which are illustrative, the vehicles would come to a halt. There may be a possibility a vehicle like a motor cycle, with a lesser weight may even be dragged on in the same direction, in which, a bigger vehicle is operated. Therefore, merely because the Tempo Traveller Van was shown in Ex.R2-Rough Sketch, on the right side of the road, it cannot be concluded that the driver of the van alone was responsible. For any one of the reasons mentioned above, the vehicle moving at a greater speed, if not controlled, could even be swayed away in the same or opposite direction. It also depends upon the physical condition of the driver, if he is not badly hurt in the accident and if he had sustained injury, it also depends upon the situs and gravity of injuries. In a given case, if he had sustained a grievous injury in the head, hands or legs or any other parts of the body and not in a position to control the vehicle, naturally, the vehicle has to come to halt, either immediately after the impact or after some time ,when the acceleration comes to an end. In the case on hand, as regards the manner of accident, a Special Inspector of police, under



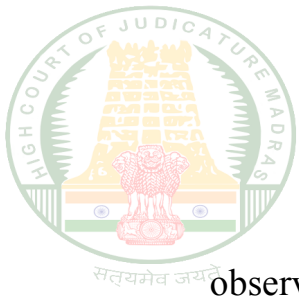
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whose supervision, the accused have been escorted, has given a statement and F.I.R. has been lodged on that basis. He has also examined himself as P.W.1, and reiterated the averments in the claim petition. He is one of the witnesses to the accident. On the contra, the owner of the lorry bearing registration No.TN 31 A 5599 has not filed any counter complaint attributing rash and negligent driving against the driver of the Government vehicle. No doubt, the vehicle involved was a police vehicle, and therefore, the possibility of lodging an FIR against the driver of the lorry cannot be ruled out. But at the same time, if the lorry driver was not fault, still the owner can always lodge a complaint. It is not necessary that in every case, where there is a involvement of a Government or police vehicle, criminal cases are registered only against the other vehicle, involved in the accident. The contention that the oral testimony of P.W.1 has to be rejected on the ground that it is not supported by any independent witnesses, cannot be countenanced, for the reason, the appellant has not let in any rebuttal evidence. In the light of the discussions, this Court is not inclined to subscribe to the contentions of the Appellant Insurance Company, that the Claims Tribunal has committed an error in not considering the sketch properly.”

26. Notably, the Insurer failed to mark the rough sketch and



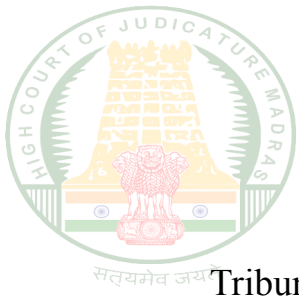
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observation mahazar as separate exhibits, instead producing them along with the Investigator's report. Although the Insurer examined its investigator (R.W.2) and surveyor (R.W.4), the learned counsel for the Transport Corporation would submit that their testimonies and reports hold no probative value.

27. Significantly, the investigator's report submitted on behalf of the insurance company is not binding on the Tribunal, serving only to facilitate claims processing. Considering the nature of the investigator's appointment, which is to investigate and report to the Insurance Company, and the work undertaken by them, their opinion or decision lacks binding authority. The Tribunal is duty-bound to adjudicate based on available evidence. Notably, P.W.2 did not examine R.W.5, the bus conductor, further undermining the reliability of P.W.2's evidence and report. Moreover, R.W.2 (Investigator), R.W.3 (Insurance Company Official), and R.W.4 (Surveyor) were not eyewitnesses, rendering their testimonies limited in probative value.

28. The learned Counsel for the Insurer would submit that even assuming for argumens sake, that the lorry driver was also at fault, the



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Tribunal should have contributed the negligence to the bus driver and even assuming that there is no contributory negligence, it can easily be inferred that there is composite negligence, but the Tribunal has miserably failed to consider the same. The learned Counsel for the Insurer would rely on the decisions of the Hon'ble Supreme Court in (i) ***Municipal Corporation of Greater Bombay Vs. Laxman Iyer and another*** reported in (2003)8 SCC 731; (ii) ***T.O.Anthony Vs. Karvarnan and others*** reported in (2008)3 SCC 748; (iii) ***Andhra Pradesh State Road Transport Corporation and another Vs. K.Hemalatha and others*** reported in (2008)6 SCC 767, which deal with the contributory and composite negligence.

29. In the case on hand, as already pointed out, the Insurer has not adduced any evidence to show that there was contributory negligence on the part of the bus driver or that since both the drivers are responsible for the same, warrants the application of composite negligence. Considering the entire evidence available on record, this Court has no hesitation to hold that the accident was occurred only due to the rash and negligent driving of the lorry driver and hence, the finding of the Tribunal in this regard cannot be found fault with. The Insurer has not challenged the



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quantum of awarded at by the Tribunal for the claimants. Hence, this Court concludes that the Civil Miscellaneous Appeals are devoid of merits and the same are liable to be dismissed.

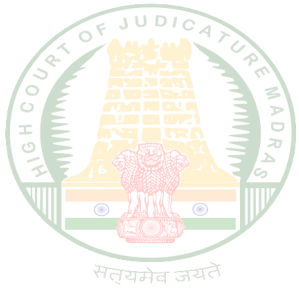
30. In the result, all the Civil Miscellaneous Appeals are dismissed. Consequently, the connected Miscellaneous Petitions are dismissed. The parties are directed to bear their own costs.

19.09.2025

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

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To

- 1.The Motor Accident Claims Tribunal/
Special District Court, Madurai.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court, Madurai.



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K.MURALI SHANKAR,J.

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PRE-DELIVERY JUDGMENT MADE IN

C.M.A(MD)Nos.770 to 793 of 2025

19.09.2025