

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2026

CORAM

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA Nos.666 & 689 of 2024

- 1.Pavunthaai Panjalingam
- 2.Thiruniraiselvan Panjalingam
- 3.Veermani Sivaraj
- 4.M.Kavitha
- 5.Sengegounder Palani Gounder

...Appellant(s) in
C.M.A.No.666 of 2024

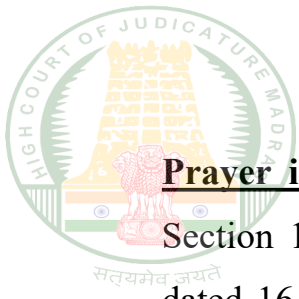
Arumugam Kaliyappan
S/o.Kaliyappan, No.4, Vinayagar Temple Street, Pongaliyur, Kottur
Malayandipattinam, Coimbatore.

..Appellant(s) in
C.M.A.No.689 of 2024

Vs

1. Murugesan
C/o.CBE Division, No.37, Mettupalayam Road,
Coimbatore 641 043
2. Managing Director
Tamil Nadu State Transport Corporation,
CBE Division, No.37, Mettupalayam Road,
Coimbatore 641 043
3. The General Manger
TNSTC CBE Division Branch -I, Kangeyam
Road, Tiruppur 641 601

..Respondent(s) in both
C.M.A.'s



Prayer in C.M.A.No.666 of 2024:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prayed to set aside the award dated 16.08.2023 made in M.C.O.P.No.2539 of 2018 on the file of Exclusive MACT, Tirupur, and award just and reasonable compensation with interest and cost by allowing Civil Miscellaneous Appeal.

Prayer in C.M.A.No.689 of 2024:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prayed to set aside the award dated 16.08.2023 made in M.C.O.P.No.2540 of 2018 on the file of Exclusive MACT, Tirupur, and award just and reasonable compensation with interest and cost by allowing Civil Miscellaneous Appeal.

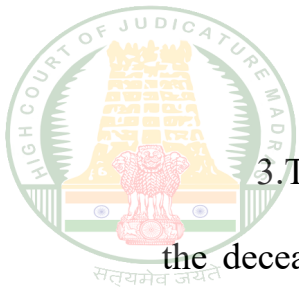
For Appellant(s) in both C.M.A.'s: Mr.M.Lokesh for Mr.MA.P.Thangavel

For Respondent(s) in both C.M.A.'s: Mr.M.Murali Vinodh for R3 R1 & R2 – No Appearance

COMMON JUDGMENT

These appeals have been filed against the common award passed in two M.C.O.P's in M.C.O.P.Nos.2539 & 2540 of 2018 dated 16.08.2023, rejecting the claim petitions on the ground that the entire negligence is attributable only to the rider of the two-wheeler.

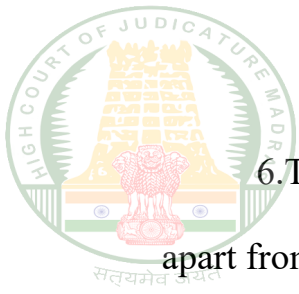
2.C.M.A.No.666 of 2024 has been filed by the wife, children and father of the deceased Panjalingam against the rejection of M.C.O.P.No.2539 of 2018. C.M.A.No.689 of 2024 has been filed by the injured against the rejection of M.C.O.P.No.2540 of 2018.



3. The case of the claimants is that on 28.10.2018 at about 16.15 hours, the deceased Panjalingam was riding a TVS moped and the injured claimant was the pillion rider. They were travelling from East to West and approaching the Aalangudi Road Junction, at that point of time the Bus belonging to the Transport Corporation which was coming from North to South turned to the East and since it was driven in a rash and negligent manner, it hit the two-wheeler. As a result of which, the deceased sustained fatal injuries and he succumbed to the injuries and the injured suffered fracture on the left hand and abrasions all over the body. He also underwent treatment as an in-patient from 28.10.2018 to 01.11.2018. It is under these circumstances, the claim petitions came to be filed before the Tribunal.

4. The Tribunal on considering the facts and circumstances of the case and on appreciation of evidence came to the conclusion that the accident had taken place only due to the negligence on the part of the rider of the two-wheeler and accordingly, both the claim petitions came to be dismissed by award dated 16.08.2023. Aggrieved by the same, these appeals have been filed before this Court.

5. Heard the learned counsel for appellants and the learned counsel for respondents. This Court has carefully considered the submissions made on either side and also went through the award passed by the Tribunal in both M.C.O.P's.

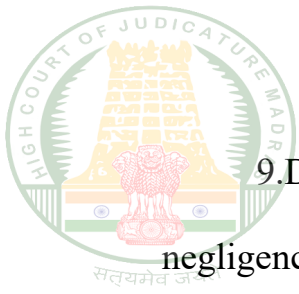


6. The evidence of P.W.2, P.W.3 and D.W.1 assumes a lot of significance, apart from Ex.P6 which is the rough sketch.

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7. P.W.2 is the pillion rider who is the claimant in M.C.O.P.No.2540 of 2018. He has explained the manner in which the accident has taken place. He states that he along with the deceased were waiting along with the TVS moped at the road junction and the bus which was coming from North to South turned East and in that process left hand rear side of the bus hit the moped. As a result, the deceased and the injured fell down and sustained serious injuries and the deceased succumbed to the injuries. During cross-examination, the evidence of this witness has not been discredited.

8. P.W.3 is the person who gave the complaint based on which the First Information Report was registered. He has also described the incident in the same manner as was done by P.W.2. In the cross-examination, the First Information Report which was marked as Ex.P.1 was shown to this witness and it was brought to the notice that the complaint reads as if the TVS moped dashed on the rear side steps of the bus and as a result, the accident had taken place. P.W.3 after admitting what has been stated in the First Information Report once again reiterated what was stated in the chief-examination.



9.D.W.1, is the driver of the offending vehicle. He has stated that the negligence was only on the part of the rider of the two-wheeler.

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10.While appreciating the evidence of P.W.2., P.W.3 and D.W.1, this Court must also take into consideration the rough sketch marked as Ex.P6. The rough sketch clearly shows the manner in which the accident had taken place. The bus was moving from North to South and it turned on the eastern side and the TVS moped was moving from East to West. The report of the motor vehicle Inspector shows that the damage was caused to the two-wheeler on the left hand side clutch lever which was found broken and insofar as the bus is concerned, the rear left hand side body was dented and bent scratches were found.

11.The above documents, when considered along with the evidence of P.W.2 and P.W.3 clearly establish that the bus belonging to the Transport Corporation had actually moved towards East when it was coming from North to South and it had hit the two-wheeler. If the two-wheeler had dashed on the left hand side steps on the rear side of the bus, the damage to the two-wheeler would have been on the front side and whereas the only damage that was found in the two-wheeler was the left hand side clutch lever broken. Therefore, just because a wrong statement has been made in the complaint by P.W.3, that cannot be completely put against the claimants. The Court ought to have assessed the evidence of the witnesses along with the documents and the Court was swayed by what was stated in the complaint by P.W.3.



12. In the light of the above discussion, the finding of the Tribunal that the entire negligence is attributed only to the rider of the two-wheeler is perverse and it requires the interference of this Court. Accordingly, this Court holds that the accident had taken place only due to the negligence on the part of the driver of the bus belonging to the Transport Corporation.

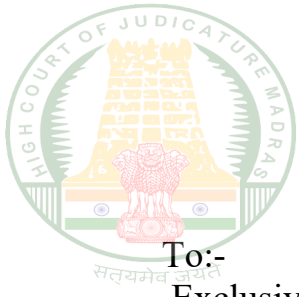
13. In view of rejecting both the claim petitions, the Court below has not assessed the compensation in this case. In view of the same, this Court has to allow both these appeals and remand the matter back to the Tribunal with a direction to the Tribunal to assess the compensation after affording opportunity to both sides within a time frame fixed by this Court.

14. In the result, both the C.M.A.'s are allowed and the claim petitions are remanded back to the file of Exclusive MACT, Tiruppur and the Tribunal is directed to assess the compensation payable to the claimants in each claim petition after affording opportunity to both sides. The final award shall be passed within a period of three months from the date of receipt of a copy of this order. No costs.

22-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

EP



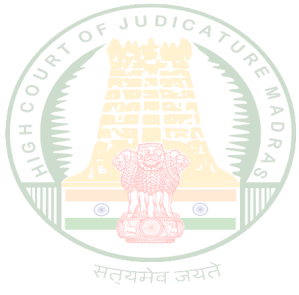
CMA No. 689 of 2



To:-

Exclusive MACT, Tirupur.

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CMA No. 689 of 2



N.ANAND VENKATESH, J.

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