

C.M.A(MD)No.814 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 08.07.2026

PRONOUNCED ON:17.07.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)No.814 of 2026

and

C.M.P.(MD)No.8243 of 2026

The Managing Director,
Tamil Nadu State Transport Corporation,
Dindigul. : Appellant/Respondent

Vs.
Vallarasu : Respondent/Petitioner

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.258 of 2024, dated 29.08.2025, on the file of the Motor Accident Claims Tribunal, Additional District and Sessions Judge No.II, Tanjore.

For Appellant : Mr.S.Micheal Heldon Kumar

For Respondent :Mr.A.Siva Subramanian



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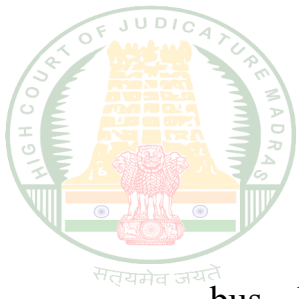
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JUDGMENT

This Civil Miscellaneous Appeal is directed against the award made in M.C.O.P.No.258 of 2024, dated 29.08.2025, on the file of the Motor Accident Claims Tribunal / II Additional District and Sessions Court, Tanjore.

2. The appellant/State Transport Corporation, who was mulcted with liability to pay compensation of Rs.5,57,100/- with interest and costs to the respondent/claimant for the disability sustained by him, consequent to an accident occurred on 05.10.2023, challenged the liability mulcted on its and also the quantum of compensation awarded at by the Tribunal.

3. The case of the claimant is that on 05.10.2023 at about 10.30p.m., his friend Vigneshwaran was riding a Bajaj Platina two wheeler bearing Registration No.TN-49-BR-0738 with the claimant as pillion rider from Karambakudi towards Tanjore and when they reached the place opposite to Dhanalskhmi Hotel, on Vandaiyar Iruppu road, a

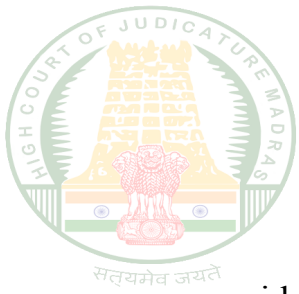


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bus belonging to the appellant/respondent Corporation, bearing Registration No.TN-57-N-2554 which came from East to West, in a rash and negligent manner, dashed against the two wheeler and as a result of which, the rider and the pillion rider were thrown off of the vehicle and sustained grievous injuries, that the rider Vigneshwaran subsequently succumbed to the injuries, whereas the claimant - pillion rider was admitted to Tanjore Medical College Hospital for treatment.

4. The defence of the Transport Corporation is that the mode of accident as alleged by the claimant is false and untenable, that when the bus was proceeding on the Tanjore road at about 10.05pm., on 05.10.2023, near Vandaiyar Iruppu, the two wheeler Bajaj Platina bearing Registration No. TN-49-BR-0738, on which two persons were travelling without wearing helmet, was ridden in a rash and negligent manner and without signal suddenly crossed the road towards the right side of the road and on noticing the same, the bus driver sounded horn, slowed down the vehicle and stopped the vehicle on the right side of the road, but the two wheeler rider unable to control his speed, dashed against the bus and both of them fell down and sustained injuries and that the



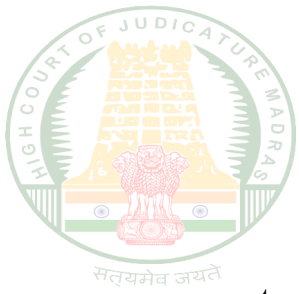
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accident occurred only due to the rash and negligent driving of the two wheeler rider and the bus driver was not at fault.

5. It is evident from the records that since the rider Vigneshwaran had died, his legal representatives laid a claim petition in M.C.O.P.No. 257 of 2024 and the Tribunal conducted a joint trial. During joint trial, the claimant examined himself as P.W.2 and on the claimant's side, ten documents came to be exhibited as Exs.P.1 to P.10. The respondent Corporation examined their driver Manikandan as R.W.1 and adduced no documentary evidence. The disability certificate issued in favour of the claimant/injured by the Medical Board came to be exhibited under Ex.C.1.

6. The learned trial Judge, upon considering the pleadings and evidence both oral and documentary and on hearing the arguments of both sides, passed the common order holding that the accident occurred only due to the rash and negligent driving of the bus driver and directed the Transport Corporation to pay compensation to the claimants in M.C.O.P.No.257 of 2024 and a sum of Rs.5,57,100/- with interest and



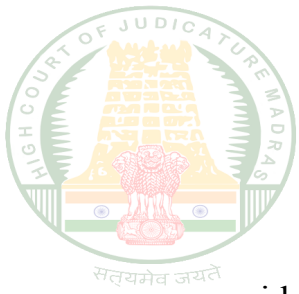
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costs to the claimant in M.C.O.P.NO.258 of 2024. Aggrieved by the impugned order, the Transport Corporation has preferred the present appeal.

7. The learned Counsel for the appellant/Transport Corporation would mainly contend that the accident occurred at night hours and the rider of the two wheeler rider suddenly attempted to negotiate the road in a rash and negligent manner and thereby created a situation which was unavoidable for the bus driver despite exercising due care and action, that the criminal proceedings are independent in nature and the negligence must be established by reliable and cogent evidence, that the deceased rider was not wearing a helmet and was travelling as a pillion rider in violation of the statutory traffic rules, that the Tribunal, without considering the evidence of the bus driver R.W.1 in proper perspective discarded the same and that therefore, the finding of the Tribunal mulcting the liability on the bus driver cannot be sustained.

8. The learned Counsel for the claimant would submit that the claimant/injured in the accident has deposed about the manner of the



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accident reiterating the claim petition contentions and according to him, while they were proceeding from Karambakudi to Thanjavur and at the place opposite to Dhanalakshmi Hotel, a Government bus which came from East to West in a rash and negligent manner dashed against the two wheeler and as a result of which, the rider and himself sustained serious injuries and subsequently, the rider succumbed to the injuries and the claimant had sustained disability and that the Tribunal, considering the evidence available on record, has rightly come to a finding that the accident occurred only due to the rash and negligent driving of the bus driver and the two wheeler rider was not at fault.

9. It is pertinent to note that the F.I.R., came to be registered in Cr.No.472 of 2023, on the file of the Tanjore Taluk Police Station under Sections 279 and 337 I.P.C., against the bus driver. As already pointed out, P.W.2 claimant in his evidence has categorically deposed about the manner in which the accident occurred and according to him, the bus driver came from East to West in a rash and negligent manner and dashed against the two wheeler. Though P.W.2 was subjected to cross-examination, nothing was elicited by the respondent side in their favour.



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No doubt, the respondent examined their driver as R.W.1, who in turn deposed in tune with the contentions raised in the counter statement. R.W.1 has deposed that the two wheeler rider rode the vehicle in a rash and negligent manner and attempted to cross the road and proceeded towards the right side of the road and on noticing the same, he slowed down the vehicle, sounded the horn and stopped the vehicle, but the two wheeler rider unable to control his speed, dashed against the bus and caused the accident.

10. As rightly observed by the learned Tribunal, the respondent has not chosen to examine the conductor of the bus, who was also a material witness competent to speak about the manner of the accident, nor has it examined any other independent witness to corroborate the version of R.W.1. It is also not the case of the respondent that either R.W.1 or the officials of the respondent Corporation had lodged any complaint before the police alleging that a false case had been foisted against the bus driver or had initiated any other proceedings in that regard.



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11. Considering the entire evidence available on record, the Tribunal has rightly come to the conclusion that the accident occurred only due to the rash and negligent driving of the bus driver and the said finding cannot be faulted.

12. No doubt, the appellant in the appeal memorandum has taken a ground that the Tribunal erred in awarding excessive amounts under the conventional heads and the same are liable to be reduced. But they have not elaborated anything further. The learned Counsel for the appellant would then contend that the deceased rider was not possessing valid driving licence and was not wearing helmet, but the Tribunal failed to consider the material aspects.

13. The Hon'ble Supreme Court in *Sudhir Kumar Rana Vs. Surinder Singh and Others* reported in *2008(12) SCC 436*, has specifically held that driving vehicle without driving licence while an offence, does not by itself lead to a finding of negligence as regards the accident, unless it is proved that the lack of licence contributed to the accident. It is necessary to refer the relevant passages hereunder:



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“8. If a person drives a vehicle without a licence, he commits an offence. The same, by itself, in our opinion, may not lead to a finding of negligence as regards the accident. It has been held by the courts below that it was the driver of the mini-truck which was being driven rashly and negligently. It is one thing to say that the appellant was not possessing any licence but no finding of fact has been arrived at that he was driving the two-wheeler rashly and negligently. If he was not driving rashly and negligently which contributed to the accident, we fail to see as to how, only because he was not having a licence, he would be held to be guilty of contributory negligence.

9. The matter might have been different if by reason of his rash and negligent driving, the accident had taken place.”

14. A Division Bench of this Court in the case of ***Managing Director, Tamil Nadu State Transport Corporation, Madurai Ltd., Dindigul Vs. Mariammal and others*** in C.M.A.(MD)No.445 of 2026, dated 06.04.2026 has held that the question of apportioning contributory negligence on the sole ground of non-wearing of helmet does not arise in the absence of any evidence to establish the negligence riding on the part of the deceased and the relevant portions are extracted hereunder:



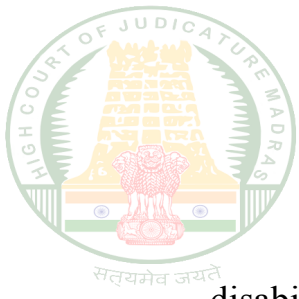
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“In the absence of any evidence to establish negligent riding on the part of the deceased, the question of apportioning contributory negligence on the sole ground of non-wearing of a helmet does not stand to reason. Even in cases where fatal head injuries are sustained, the same cannot automatically lead to an inference of contributory negligence.”

15. In the case on hand, the respondent has not shown that the absence of a valid driving licence or the non-wearing of a helmet had in any manner contributed to the occurrence of the accident. In the absence of any material to show that the deceased was guilty of contributory negligence or that his negligence had also contributed to the accident, the contentions raised by the respondent cannot be sustained.

16. The Tribunal, considering the medical evidence available on record and also taking note of the fact that the claimant has failed to prove that he had suffered any permanent disability or functional disability, has rightly adopted the percentage method and awarded a sum of Rs.7,100/- per percentage of disability. The Tribunal has accepted the



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disability assessed by the medical board under Ex.C.1 at 56% and has assessed the disability compensation at Rs.3,97,600/- and the same cannot be found fault with. The Tribunal has further awarded Rs.1,12,000/- for pain and sufferings, Rs.20,000/- for loss of income for two months, Rs.10,000/- for loss of convenience, Rs.5,000/- for transportation, Rs.10,000/- for extra nourishment and Rs.35,000/- for loss of clothes and articles. Considering the nature of the injuries and the consequent disability sustained, treatment period and other attending circumstances, the amounts awarded by the Tribunal under the above heads are reasonable and the same cannot said to be excessive. The appellant has not canvassed any other reason or ground to impugn the award. Consequently, this Court concludes that the Civil Miscellaneous Appeal is devoid of merits and the same is liable to be dismissed.

17. In the result, the Civil Miscellaneous Appeal is dismissed. The appellant/State Transport Corporation is directed to deposit the entire award amount along with accrued interest and costs, to the credit of above said M.C.O.P.No.258 of 2024, on the file of the Motor Accident Claims Tribunal / Additional District and Session Court No.II,Tanjore,



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less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this Judgment and on such deposit, the claimant is entitled to withdraw entire award amount along with interest and costs on due application before the Tribunal. Consequently, the connected Civil Miscellaneous Petition is closed. The parties are directed to bear their own costs.

17.07.2026

NCC : Yes : No

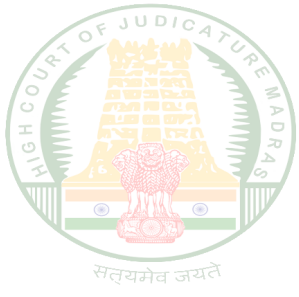
Index : Yes : No

Internet : Yes : No

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To

1. The Motor Accident Claims Tribunal /
Additional District and Sessions Court No.II, Tanjore.
- 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

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