



C.M.A(MD)No.852 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 21.07.2026

Pronounced on : 07.08.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)No.852 of 2026

and

C.M.P(MD)No.8705 of 2026

The Managing Director,
Tamil Nadu State Transport Corporation,
Byepass Road, Madurai.

: Appellant

Vs.

1.Ramakrishnan

2.Bharathi

3.Priya

: Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award passed in M.C.O.P.No.27 of 2023, dated 24.10.2024 on the file of the Motor Accident Claims Tribunal, Additional District Court, Paramakudi.

For Appellant : Mr.S.Micheal Heldon Kumar,

For Respondents : Mr.D.Senthil.



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J U D G M E N T

The Civil Miscellaneous Appeal is directed against the award passed in M.C.O.P.No.27 of 2023, dated 24.10.2024 on the file of the Motor Accident Claims Tribunal/Additional District Court, Paramakudi.

2.The appellant/Transport Corporation, who was mulcted with liability to pay compensation of Rs.17,98,516/- with interest and costs to the respondents/claimants, for the death of Sankaranarayanan, consequent to an occurred on 27.09.2022, challenged the liability mulcted on it and also the quantum of compensation awarded at by the Tribunal.

3. For the sake of convenience and brevity, the parties herein after will be referred as per their ranking/status before the trial Court.

4. The case of the claimants is that on 27.09.2022 at about 04.30 pm., the deceased Sankaranarayanan, was proceeding in a two wheeler bearing Registration No.TN-65-BX-5739 with one Perumal as pillion rider in Madurai-Rameshwaram National Highway and at the place



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opposite to the Paramakudi LIC, the bus bearing Reg.No.TN-58-N-2460 belonging to the appellant/Transport Corporation, which came behind in a rash and negligent manner, dashed against the two wheeler and as a result of which, the rider Sankaranarayanan and pillion rider Perumal sustained serious injuries and the rider Sankaranarayanan subsequently succumbed to the injuries and that the accident occurred only due to the rash and negligent driving of the bus driver.

5. The defence of the respondent Transport Corporation is that the accident occurred due to the rash and negligent riding of the two-wheeler by the deceased; that the pillion rider was using a mobile phone, which caused distraction to the rider and adversely affected the balance and stability of the two-wheeler; that the two-wheeler rider suddenly turned the vehicle and came into contact with the left side of the bus and invited the accident and that the bus driver was not at fault.

6. The claimants, in an attempt to prove the manner of the accident, examined the occurrence witness, Perumal, as P.W.2, who admittedly accompanied the deceased on the two-wheeler at the time of the accident.



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P.W.2 has deposed about the manner of accident reiterating the claim petition contentions. P.W.2 in his evidence has stated that while they were proceeding in Madurai-Rameshwaram National Highway, at the place opposite to the LIC, the respondent's bus which came behind them in a rash and negligent manner, dashed against the two wheeler and that the bus driver alone was responsible for the accident.

7. It is pertinent to note that FIR came to be registered for the offence under Sections 279, 337 in Crime No.322 of 2022 on the file of the Paramakudi Town Police Station against the bus driver and after completing the investigation, the jurisdictional police laid the final report under Ex.P.6 against the bus driver. The respondent/Transport Corporation in an attempt to prove their defence examined the driver Selvaraj as R.W.1, who in turn deposed about the manner of accident reiterating the counter statement contentions.

8. It is not the case of R.W.1/driver or the respondent/Transport Corporation that they had preferred any complaint before the higher police officials alleging false implication of R.W.1 or questioning the registration



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of the criminal case or the filing of the final report against him, nor had they initiated any other proceedings in that regard. Though P.W.2, the occurrence witness, was subjected to cross-examination, nothing was elicited in favour of the respondent and his evidence with regard to the manner of the accident remained unshaken.

9. Moreover, the respondent has not chosen to examine the conductor of the bus, who was also a competent witness to speak about the manner of the accident, nor any other person who allegedly witnessed the occurrence. Though the respondent has taken a stand that the pillion rider was using a mobile phone, thereby causing distraction and affecting the balance and stability of the two wheeler, there is absolutely no evidence to substantiate the said defence.

10. On considering the evidence available on record, the Tribunal has rightly come to the conclusion that the accident occurred only due to the rash and negligent riding of the bus driver and on that basis, mulcted the liability on the respondent/Corporation and that the said finding cannot be found fault with.



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11. In the appeal grounds, though the appellant/Transport Corporation has taken a ground that the amount awarded on each and every head are very excessive, they have not elaborated anything further. The appellant has not specifically challenged the quantum of compensation awarded by the Tribunal. Except the plea with regard to the negligence aspect, the appellant has not canvassed any other reason or ground to impugn the award. Consequently, this Court concludes that the appeal is devoid of merits and the same is liable to be dismissed.

12. In the result, the Civil Miscellaneous Appeal is dismissed and award, dated 24.10.2024 in M.C.O.P.No.27 of 2023, on the file of the Motor Accident Claims Tribunal, Additional District Court, Paramakudi, is confirmed. The Appellant/Transport Corporation is directed to deposit the award amount with interest from the date of petition till the date of realization excluding the default period, if any, to the credit of M.C.O.P. No.27 of 2023, on the file of the Motor Accident Claims Tribunal, Additional District Court, Paramakudi, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this



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judgment and on such deposit, the claimants are permitted to withdraw the award amount with interest and costs as apportioned by the Tribunal, less amount already withdrawn, if any, on due application before the Tribunal. Consequently, connected Miscellaneous Petition is closed. Parties are directed to bear their own costs.

07.08.2026

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das

To

1.Motor Accident Claims Tribunal,
Additional District Court, Paramakudi.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Pre-delivery order made in
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