

C.M.A(MD)No.849 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 14.07.2026

PRONOUNCED ON:24.07.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)No.849 of 2026

and

C.M.P.(MD)No.8652 of 2026

1.The Managing Director,
Tamilnadu State Transport Corporation,
Railway Station Road,
Kumbakonam.

2. The Branch Manager,
Tamilnadu State Transport Corporation,
Karanthai Depot,
Thanjavur.

: Appellants/Respondents

Vs.

1. Thenmozhi

2. Dhanabalan

: Respondents / Petitioners

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act,1988 against the Award passed in M.C.O.P.No.734 of 2024, dated 28.03.2025, on the file of the Motor Accident Claims Tribunal cum Special District Court, Thanjavur.



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For Appellants : Mr.S.Micheal Heldun Kumar

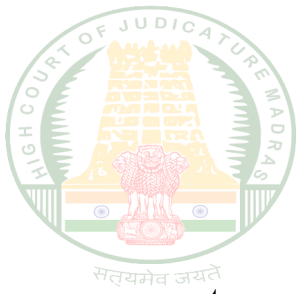
JUDGMENT

This Civil Miscellaneous Appeal is directed against the award made in M.C.O.P.No.734 of 2024, dated 28.03.2025, on the file of the Motor Accident Claims Tribunal / Special District Court to deal with MCOP cases, Thanjavur.

2. The appellant/Transport Corporation who was mulcted with liability to pay compensation of Rs.22,41,100/- with interest and costs to the respondents/claimants for the death of Sabareeshwaran, consequent to an accident occurred on 19.03.2022, challenged the liability mulcted on it.

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

4. The case of the claimants is that on 19.03.2022 at about 11.00p.m., the deceased was travelling as a pillion rider in a Hero Honda



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two wheeler bearing Registration No.TN-49-BV-7977 ridden by his friend Ajith Kumar in Tanjore - Pattukkottai road and at the place near Orathanadu Anna Statue from East to West, a bus bearing Registration No.TN-68-N-1140 belonging to the appellant / Transport Corporation, which came from South to North in a rash and negligent manner, dashed against the two wheeler and as a result of which, the said Sabareeshwaran sustained severe head injuries and despite treatment, he succumbed to the injuries subsequently 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 when the bus was proceeding near Orathanadu Anna Statue, the two wheeler rider with the deceased as pillion rider by chatting and without wearing any helmet came in a rash and negligent manner and on noticing the same, the bus driver applied sudden break and stopped the bus, but the two wheeler rider unable to control the vehicle, dashed against the bus and caused the accident and that the two wheeler rider alone was responsible for the accident and the bus driver was not at fault.



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6. During trial, the claimants examined the first claimant as P.W.1 and one Ravi – occurrence witness as P.W.2 and exhibited 10 documents as Exs.P.1 to P.10. The respondents Transport Corporation examined its driver Govendan as R.W.1 and adduced no documentary evidence.

7. It is pertinent to note that on the basis of the complaint lodged, F.I.R., came to be registered in Cr.No.300 of 2022, for the offences under Sections 279, 337 and 304(A) I.P.C., on the file of the Orathanadu Police Station against the bus driver. As already pointed out, the claimants examined the occurrence witness as P.W.2 and he deposed about the manner of the accident. P.W.2 has stated that while he was standing in a shop near Anna statue, the two wheeler was proceeding from East to West and at that time, the Corporation bus which came from South to North in a rash and negligent manner dashed against the two wheeler and that the bus driver alone was responsible for the accident. Though P.W.2 was subjected to cross-examination, nothing was elicited by the respondents' side in their favour and the evidence of P.W.2 with regard to the mode of accident remains unshaken.



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8. As already pointed out, the respondent Corporation examined its driver as R.W.1, who deposed reiterating the defence taken in the counter statement. It is not the case of either R.W.1 or the respondent Corporation that they had preferred any complaint before the higher police authorities alleging that a false case had been registered against R.W.1, nor have they shown that any other action was taken in that regard. As rightly observed by the learned Tribunal, the respondent has not chosen to examine the conductor of the bus or any other independent witness who had allegedly witnessed the occurrence, and there is no other evidence to support the version of R.W.1. On an overall consideration of the evidence available on record, the Tribunal has rightly come to the conclusion that the accident had occurred solely due to the rash and negligent driving of the bus driver, and the said finding does not warrant any interference.

9. The learned Counsel for the appellants would then contend that the deceased was not wearing helmet at the time of accident and that therefore, the Tribunal ought to have fixed the contributory negligence on the deceased.



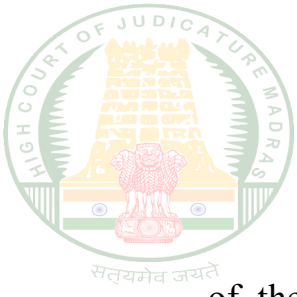
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10. A Division Bench of this Court in the case of ***Managing Director, Tamil Nadu State Transport Corporation, Madurai Ltd., Dindigul Vs. Mariammal and others*** in C.M.A.(MD)No.445 of 2026, dated 06.04.2026 has held that the question of apportioning 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:

“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.”

11. In the case on hand, the respondents have not shown that the non-wearing of a helmet had in any manner contributed to the occurrence



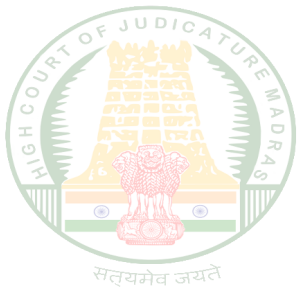
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of the accident and in the absence of any material to show that the negligence of the deceased was also negligent or that his negligence contributed to the accident, the contention advanced by the respondents cannot be sustained.

12. The appellants have not challenged the quantum of compensation arrived at by the Tribunal. They have also not canvassed any other 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.

13. In the result, the Civil Miscellaneous Appeal is dismissed. The appellants/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.734 of 2024, on the file of the Motor Accident Claims Tribunal / Special District Court to deal with MCOP cases, Thanjavur, 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 claimants are entitled to withdraw their amount as



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apportioned by the Tribunal along with proportionate 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.

24.07.2026

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

SSL

To

1. The Motor Accident Claims Tribunal /
Special District Court to deal with MCOP cases,
Thanjavur,
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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