

C.M.A. (MD)No.793 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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Reserved on : 06.07.2026

Pronounced on : 17.07.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.M.A.(MD)No.793 of 2026

and

C.M.P.(MD)No.8165 of 2026

Tamilnadu State Transport Corporation,
through its Managing Director,
New Railway Station Road,
Kumbakonam Town & Taluk,
Thanjavur District.

... Appellant/
Respondent

Vs.

1.Arivarasi

2.Rubavathi

3.Nathiya

4.Anbarasan

5.Citrarasan

6.Silambarasi

... Respondents/
Petitioners



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Prayer : This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, to set aside the fair and decretal order dated 27.01.2025 passed in M.C.O.P.No.99 of 2024 on the file of the Motor Accident Claims Tribunal cum Principal Subordinate Court, Kumbakonam and allow the appeal with costs.

For Appellant : Mr.S.Micheal Heldon Kumar

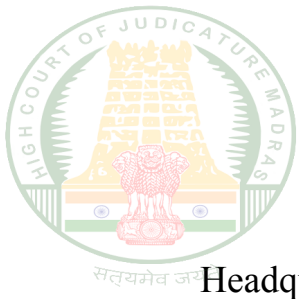
For Respondents : Mrs.K.R.Shivashankari

JUDGMENT

The Civil Miscellaneous Appeal is directed against the award made in M.C.O.P.No.99 of 2024 dated 27.01.2025 on the file of the Motor Accident Claims Tribunal / Principal Subordinate Court, Kumbakonam.

2. The appellant / Transport Corporation, who was mulcted with liability to pay compensation of Rs.8,20,000/- (Rupees Eight Lakhs and Twenty Thousand only) with interest and costs to the respondents / claimants, for the death of Paramasivam, consequent to an accident occurred on 01.08.2023, challenged the liability fastened on it.

3. The case of the respondents / claimants is that on 01.08.2023, the deceased Paramasivam, after visiting his grandson at the Government

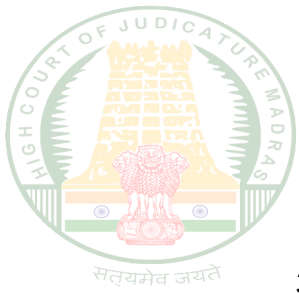


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Headquarters Hospital, Kumbakonam, was returning on his bicycle along the Kumbakonam to Swamimalai main road and at the place near Moopakovil Muhamed Anifa Baba Mosque, at about 03.20 p.m., a bus belonging to the appellant / Transport Corporation bearing Registration No.TN-68-N-0677 came in a rash and negligent manner and without sounding the horn, dashed against the said Paramasivam and as a result of which, he sustained serious injuries, that though he was immediately taken to the Government Headquarters Hospital, Kumbakonam, he was declared brought dead on examination and that the accident occurred only due to the rash and negligent driving of the bus driver.

4. The defence of the appellant / Transport Corporation is that when the bus was proceeding near Moopakovil Muhamed Anifa Baba Mosque, the said Paramasivam, aged 70 years was riding a bicycle in an unsteady manner, that despite the bus driver sounded the horn and proceeded cautiously, the bicycle rider lost his balance while attempting to move from the tar road to mud shoulder, slipped and fell, thereby, inviting the accident and that the deceased bicycle rider alone was responsible for the accident and the bus driver was not at fault.



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5. During trial, the respondents / claimants examined the fourth respondent / fourth claimant as P.W.1 and exhibited 10 documents as Ex.P1 to Ex.P10. The appellant / Transport Corporation examined its driver Thiru.Rajadurai as R.W.1 and adduced no documentary evidence.

6. The learned trial Judge, upon considering the pleadings and evidence both oral and documentary and on hearing the arguments of both the sides, passed the impugned order dated 27.01.2025 by holding that the accident was occurred only due to the rash and negligent driving of the bus driver and directed the appellant / Transport Corporation to pay compensation of Rs.8,20,000/- with interest and costs. Aggrieved by the impugned order, the Transport Corporation has preferred the present appeal.

7. The learned counsel appearing for the appellant / Transport Corporation would contend that the Tribunal solely relied on the FIR and the charge sheet and came to a finding that the bus driver alone was responsible for the accident, that FIR by itself cannot establish negligence in motor accident claims, that the Tribunal has overlooked the material



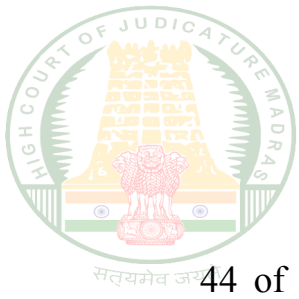
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contradictions between the oral evidence and the documentary evidence, especially regarding the nature of accident, that the Tribunal failed to appreciate the evidence of R.W.1 (bus driver), who clearly deposed that the deceased, who was aged 73 years, was riding a bicycle unsteadily and after hearing the horn, moved from tar road to mud road, lost balance due to sand, fell on his own and invited the accident, that there is absolutely no material or evidence to suggest that the driver of the bus alone was at fault and that therefore, the impugned finding of the Tribunal with regard to the negligence aspect is liable to be set aside.

8. The learned counsel appearing for the respondents / claimants would submit that P.W.1 has specifically narrated about the manner of accident, that the jurisdictional police has registered the criminal case against the bus driver and after investigation, laid the final report against the bus driver and that the Tribunal, considering the evidence available on record, has come to the right decision that the accident was occurred only due to the rash and negligent driving of the bus driver.

9. It is pertinent to note that FIR came to be registered in Crime No.



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44 of 2023 on the file of the Traffic Investigation Wing, Kumbakonam under Sections 279 and 304A IPC against the bus driver (R.W.1) and after completing the investigation, the jurisdictional police has laid the final report against the bus driver. It is not the case of the appellant / Transport Corporation that either R.W.1 or the management lodged any complaint before the higher police officials alleging that a false case has been foisted against the R.W.1 or initiated any other legal proceedings challenging the registration of FIR or filing of the charge sheet.

10. As rightly pointed out by the learned counsel appearing for the respondents / claimants, P.W.1 gave evidence regarding the manner of accident reiterating the claim contentions. Though P.W.1 was subjected to cross-examination, nothing useful could be elicited by the appellant / Transport Corporation side to probabalise its defence or discredit his testimony.

11. It is settled law that in motor accident cases, the Tribunal is required to determine the issue of negligence on the basis of the preponderance of probability and not on the standard of proof beyond



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reasonable doubt, which is applicable to criminal cases. The registration of FIR immediately after the accident and the filing of the charge sheet against the bus driver are relevant evidence to ascertain the manner of occurrence. Though neither FIR nor charge sheet is conclusive proof of negligence, they have evidentiary value regarding the occurrence and in the absence of any acceptable rebuttal evidence, they can be relied upon to arrive at a finding regarding negligence. When the police records are consistent and there is no material to discredit the same or prove a contrary version, the Tribunal is justified in accepting the case of the respondents / claimants. In the present case also, the Tribunal, considering the evidence available on record, has come to a right conclusion that the accident was occurred only due to the rash and negligent driving of the bus driver and the said finding cannot be found fault with.

12. Though the appellant / Transport Corporation, in the appeal grounds, has taken a ground that the award passed on the each and every head are very excessive, they have not elaborated anything further. The appellant / Transport Corporation has not specifically disputed the quantum of compensation awarded at, by the Tribunal.



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13. Except the above, the appellant / Transport Corporation 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.

14. Considering the other facts and circumstances of the case, this Court, further decides that the parties are to be directed to bear their own costs.

15. In the result, the Civil Miscellaneous Appeal is dismissed. The appellant / Transport Corporation is directed to deposit the entire compensation amount as awarded by the Tribunal with interest and costs 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.99 of 2024 on the file of the Motor Accident Claims Tribunal / Principal Subordinate Court, Kumbakonam, after deducting the amount already deposited if any, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, the respondents / claimants are permitted to withdraw their shares as per the apportionment fixed by the Tribunal



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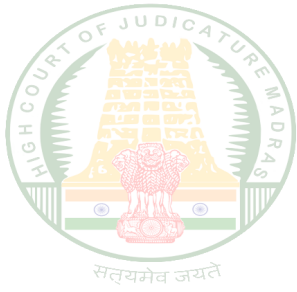
together with interest and costs, less amount already withdrawn, if any, on due application before the Tribunal. Consequently, connected miscellaneous petition is closed. The parties shall bear their own costs.

17.07.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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To:

1. The Principal Subordinate Judge,
Motor Accident Claims Tribunal,
Kumbakonam.
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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and
C.M.P.(MD)No.8165 of 2026

Dated : 17.07.2026