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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 29.01.2024**

**CORAM**

**THE HON'BLE MR.JUSTICE S.SRIMATHY**

**C.M.A(MD)No.522 of 2021**

Sudharson Babu

... Appellant

Vs.

1. Bhaskaran

2. Tamilnadu State Transport corporation Limited,  
through its Managing Director,  
(Madurai Division-III),  
Office at Ranithottam, Nagercoil,  
Nagercoil Municipality,  
Agasteeshwaram Taluk,  
Kanyakumari District.

... Respondents

**PRAYER:** Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, to call for the records relating to the Decree and Judgment on the file of the Motor Accident Claims Tribunal/Subordinate Judge, Eraniel in M.C.O.P.No.72 of 2018, dated 13.12.2019.

For Appellant : Mr.K.P.Narayanakumar

For R-1 : No appearance

For R-2 : R. Rajamohan,  
Standing Counsel



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## **JUDGEMENT**

This Appeal is filed by the Claimant against the award passed by the Learned Subordinate Judge/Motor Accident Claims Tribunal, Eraniel, in M.C.O.P.No.72 of 2018, dated 13.12.2019.

2. The contention of the claimant is that while he was riding the two-wheeler, the bus belongs to the Transport Corporation bearing Registration No.TN-23-N-1501 came and dashed against the two-wheeler. In the said accident the claimant sustained grievous injuries and his Motor Cycle bearing Registration No.TN-72-R-1228 was damaged heavily.

3. The contention of the claimant is that he suddenly stopped his two-wheeler, since in the opposite direction a two-wheeler was crossing on high speed. But the contention of the respondent corporation is that when the claimant had suddenly stopped his two-wheeler, the 1<sup>st</sup> respondent/driver of the bus could not stop the bus and could not apply brake suddenly. These facts are not recorded in the Order passed by the Tribunal.



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4. After trial and appreciating the evidences and documents, the Tribunal has declined to grant compensation and dismissed the claim petition since the claimant was not having valid license at the time of accident. The contention of the claimant is that he had a 'Learner's License' at the time of the accident, but it was not marked as exhibit before the Tribunal. Considering the claim of the claimant, in order to grant one more opportunity for marking of the 'Learner's License' of the claimant, this case is remitted back to the Tribunal.

5. Accordingly, the Appeal is allowed and the order, dated 13.12.2019 passed by the Learned Subordinate Judge/Motor Accident Claims Tribunal, Eraniel, in M.C.O.P.No.72 of 2018 is hereby set aside. The matter is remitted back to the Tribunal. The claimant is directed to submit the 'Learner's License' before the Tribunal. The Tribunal is directed to consider the claim of the petitioner as per Law. The Tribunal shall consider the claim petition within a period of six months. No Costs.

**29.01.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
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1. The Motor Accident Claims Tribunal  
[III Additional District Judge],  
Tirunelveli.
2. The Section Officer,  
Vernacular Section,  
Madurai Bench of Madras High Court,  
Madurai.



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**S.SRIMATHY, J.**

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Order made in  
C.M.A(MD)No.522 of 2021

29.01.2024