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C.M.A.No.24 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **20.01.2025**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

C.M.A.No.24 of 2025

and

C.M.P.No.150 of 2025

The Managing Director,
The Tamil Nadu State Transport Corporation Limited,
VOM Division, Rangapuram, Sathuvachary,
Vellore. ... Appellant

Vs.

Santhakumar ... Respondent

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Award and Decree dated 27.09.2018 made in M.C.O.P.No.176 of 2014 on the file of the Motor Accident Claims Tribunal, Tirupattur (Special Subordinate Judge).

For Appellant : Mr.C.R.Sureshkumar

For Respondent : Mr.Pa.Sudesh Kumar



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JUDGMENT

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Challenging the award passed by the Motor Accidents Claims Tribunal, Tirupattur (Special Subordinate Judge) in M.C.O.P.No.176 of 2014, dated 27.09.2018 on the grounds of negligence as well as quantum of compensation, the Transport Corporation has filed the appeal.

2. On 03.01.2014 at about 12.10 hours, the respondent/claimant and his friend Thirumal were proceeding in a motorcycle bearing Regn.No.TN-23-BT-0322 in Vaniyambadi towards Tirupattur main road and when they came near Sadhana Nagar, burial ground, a TNSTC bus bearing Regn.No.TN-23-N-1992, belonging to the appellant/Transport Corporation, came in a rash and negligent manner and dashed against the motorcycle. Due to the accident, the claimant sustained grievous injuries and his friend succumbed to injuries. Thereafter, the claimant had filed a claim petition claiming a sum of Rs.12,00,000/- before the Tribunal in M.C.O.P.No.176 of 2014 for the injuries sustained by him in the said road accident.



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3. Before the Tribunal, the claimant had examined himself as P.W.1 and marked 13 documents viz., Ex.P.1 to Ex.P.13. On the side of the Transport Corporation, they have examined one witness viz., R.W.1, but no document has been marked. After adjudication, the Tribunal had partly allowed the petition and awarded a sum of Rs.1,74,844/- as compensation to the claimant. Aggrieved by the same, the appellant/Transport Corporation has preferred the present appeal.

4. Learned counsel appearing for the appellant/Transport Corporation submitted that the Tribunal, without properly appreciating the materials on record has fastened the negligence solely on the driver of the vehicle belonging with the appellant, which is wholly erroneous and, therefore, the same requires to be interfered with. It is the further submission of the learned counsel that the compensation awarded under the various heads are on the higher side and the same requires to be suitably modified. Accordingly, he prays for allowing this appeal.



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5. Learned counsel appearing for the respondent/claimant submitted that, the Tribunal, properly analyzing the oral and documentary evidence has held through a reasoned order that the negligence is solely on the driver of the vehicle belonging to the appellant, which is the cause of the accident and in the absence of any new material or erroneous finding pointed out by the appellant, the said finding does not require interference. It is the further submission of the learned counsel that the compensation awarded under the various heads are just and reasonable and the same requires no interference. Accordingly, he prays for dismissal of the writ petition.

6. Heard the learned counsel appearing for the parties and also perused the materials available on record.

7. The first issue, which arises for consideration in this appeal is with regard to negligence fixed by the Tribunal on the driver of the appellant's bus. A careful perusal of the findings recorded by the Tribunal reveals that based on the eye witness testimony, the Tribunal had come to the conclusion



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that the negligence is wholly on the driver of the vehicle belonging to the appellant. Though the learned counsel for the appellant vociferously contended that negligence is attributable to the injured as well, however, no material to record such a finding has been placed or brought to the notice of this Court. Even the oral and documentary evidence, which have been placed before the Tribunal do not support the aforesaid contention. In the aforesaid circumstances, the Tribunal, has rightly come to the conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the appellant's bus and therefore, it is the duty of the appellant/Transport Corporation to compensate the respondent/claimant. Therefore, on that point, no interference is warranted and the finding recorded by the Tribunal is confirmed.

8. Now, coming to the question of quantum of compensation awarded by the Tribunal, it is borne out of the award that, the Tribunal, on the basis of the injuries, the treatment taken by the injured and the disability suffered by the injured had quantified the compensation under the aforesaid heads.



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The nature of injuries coupled with the treatment taken, which are revealed through the records placed before the Tribunal, it can safely be concluded that the compensation awarded by the Tribunal in favour of the respondent/claimant under the various heads are just and reasonable and the same does not call for any interference at the hands of this Court.

9. Therefore, there arises no necessity for this Court to interfere with the award passed by the Tribunal. Accordingly, the Civil Miscellaneous Appeal is dismissed and the impugned Award of the Tribunal is confirmed. The appellant-Transport Corporation is directed to deposit the award amount as awarded by the Tribunal to the credit of M.C.O.P.No.176 of 2014 along with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and costs as awarded by the Tribunal, less, the amount, if any already deposited, within a period of four (4) weeks from the date of receipt of a copy of this judgment. On such deposit being made, the Tribunal is directed to transfer the amount directly to the bank account of the respondent/claimant through RTGS within a period of two (2) weeks



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thereafter. No costs. Consequently, the connected civil miscellaneous petition is closed.

20.01.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes / No

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To

The Motor Accident Claims Tribunal, Tirupattur (Special Subordinate Judge).



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M.DHANDAPANI,J.,

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