



C.M.A.No.2054 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2054 of 2025
and C.M.P.No.18038 of 2025

The Managing Director,
Tamil Nadu State Transport
Corporation (Coimbatore) Division I,
37, Mettupalayam Road,
Coimbatore.

...Appellant(s)

Vs.

1.Sarojini

2.Mohan

...Respondent(s)

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment dated 29.09.2023 made in M.C.O.P.No.154 of 2010 on the file of the Exclusive Motor Accident Claims Tribunal, Presiding Officer, Tirupur.

For Appellant(s) : Mr.M.Murali Vinodh

For Respondent(s) : Mr.K.Varadha Kamaraj for R1

J U D G M E N T



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This appeal is filed by the appellant Transport Corporation challenging the judgment and decree passed by the Exclusive Motor Accident Claims Tribunal, Presiding Officer, Tirupur in M.C.O.P.No.154 of 2010 dated 29.09.2023.

2.For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

3.The petitioner is the claimant, first respondent is the owner of the vehicle and second respondent is the Transport Corporation before the Tribunal.

4.The brief facts of the case are as follows:

According to the petitioners, on 28.11.2009 at about 7.20 p.m., when the deceased Venkatagiri was riding two wheeler bearing Registration TN 42 A 3004 near Periyavaikal Bridge, Kallipatti Pirivu at that time, a TNSTC bus bearing Registration No.TN 38 N 1647 driven by its driver in a rash and negligent manner hit against the petitioner. Due to



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the accident, the petitioner died on the spot. The petitioner filed a claim petition before the Tribunal in M.C.O.P.No.154 of 2010, the Tribunal after adjudication awarded a sum of Rs.5,00,000/- as compensation. Aggrieved by the same, the present appeal has been filed.

5.Learned counsel appearing for the appellant submitted that the motor cycle rode in a rash and negligent manner and came from the opposite direction, hit against the rear tyre of the bus and the petitioner is responsible for the accident. However, the Tribunal fastened the entire liability on the Transport Corporation. Hence, he prayed for appropriate orders.

6.Per contra, learned counsel appearing for the first respondent submitted that the accident occurred due to rash and negligent driving by the driver of the bus. He further submitted that the Tribunal after considering the oral and documentary evidence awarded the compensation which is just and reasonable and no interference is required by this Court. Hence, he prayed for dismissal of the appeal.



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7.Heard learned counsel appearing for the appellant, learned counsel appearing for the first respondent and perused the materials available on record.

8.Before the Tribunal, the petitioner was examined as PW1 and on the side of the petitioner, 8 documents were marked as Exs.P1 to P8. On the side of the respondents, no witness was examined and no document was marked.

9.This Court does not find any ground to interfere with the award passed by the Tribunal. The compensation awarded by the Tribunal is very reasonable and it does not warrant interference of this Court.

10.The judgment and decree dated 29.09.2023 passed by the Exclusive Motor Accident Claims Tribunal, Presiding Officer, Tirupur in M.C.O.P.No.154 of 2010, is confirmed.

11.The appellant Transport Corporation is directed to deposit the compensation awarded by the Tribunal, less the amount already



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deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of six weeks from the date of receipt of this judgment. On such deposit being made, the first respondent/claimant is permitted to withdraw the amount along with accrued interest and proportionate costs, after deducting the amount already withdrawn, if any, on making proper and necessary application before the Tribunal.

12.In the result, the Civil Miscellaneous Appeal is dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

01.08.2025

Index: Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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T.V.THAMILSELVI, J.

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To

1.The Exclusive Motor Accident Claims Tribunal,
Presiding Officer, Tirupur.

2.The Section Officer,
VR Section,
High Court of Madras, Chennai – 600 104.

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