



WEB COPY

CMA No. 1337 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 03-06-2025**

CORAM

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CMA No. 1337 of 2025**

**AND**

**CMP NO. 11395 OF 2025**

1. The Managing Director,  
Tamil Nadu State Transport  
Corporation, Salem.

Appellant(s)

Vs

1. Karthick @ Karthikeyan,  
Tamil Nadu State Transport  
Corporation, SalemS/o. Karuppanan,  
Residing at Kathagaundanur,  
Eswaramurthy, Palayam, Rasipuram  
Taluk.

Respondent(s)

**CMA No. 1337 of 2025**

**PRAYER**

To set aside the judgment and decree passed in M.C.O.P.No.421 of 2022 passed by the Exclusive Motor Accidents Claims Tribunal, Kallakurichi on 06.07.2024 and thus render justice.

**CMA No. 1337 of 2025**

For Appellant(s): D. Nitin

For Respondent(s): M/s.Amar D Pandiya

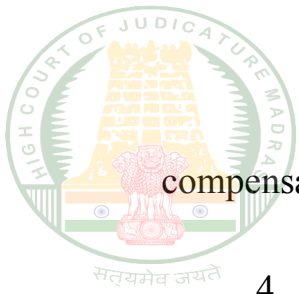
WEB COPY

**JUDGEMENT**

This Civil Miscellaneous appeal has been filed to set aside the judgment and decree passed in M.C.O.P.No.421 of 2022 passed by the Exclusive Motor Accidents Claims Tribunal, Kallakurichi on 06.07.2024.

2. According to the appellant, on 10.08.2022 at about 11 p.m., when the petitioner was driving the two wheeler bearing registration No. TN 28 AS 9891 with his friends towards kallakurichi from south to north direction near Thachur by pass road in a proper manner at that time the respondent's driver drove the bus bearing registration number TN30 N 1728 was proceeding from Salem to kallakurichi in a rash and negligent manner and suddenly dashed on the back side of the petitioner's two wheeler, thereby the petitioner sustained injuries all over the body. Therefore, the petitioner filed the petition before the tribunal claiming Rs.20,00,000/- as compensation.

3. On considering the oral and documentary evidence the tribunal awarded a sum of Rs.3,69,940/- as compensation. Challenging the quantum of



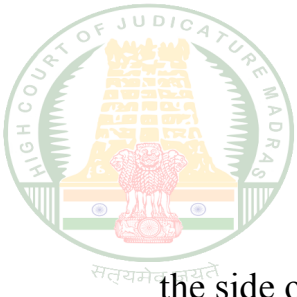
compensation respondent filed this appeal.

WEB COPY

4. The learned counsel for the appellant submits that tribunal failed to consider the evidence of RW1/duty conductor who is the competent person to speak about accident. He categorically stated that two wheeler ride alone driven the vehicle in rash and negligent manner and dashed against the bus and invited the accident. Further, the appellant also have grouses for awarding Rs.60,000/- towards pain and sufferings and Rs.30,000/- towards loss of amenities and Rs.20,000/- for attender charges and Rs.5000/- towards damage to cloths are highly excessive. Further, he submitted that except P.W.1 no eyewitness was examined without which tribunal fixed liability upon the appellant. Therefore he prays to modify the compensation awarded by the Tribunal.

5. The learned counsel for the respondent submits that at the time of the accident claimant alone driven the two wheeler and sustained injury. Thereafter, the claimant is the right person to depose about the accident and the same was rightly appreciated by the tribunal.

6. Heard the learned counsel for the appellant and the respondent.



WEB COPY

7. Considering the facts of the case, though RW.1 was examined on the side of the appellant but it was not supported with any material evidence and also the driver of the bus also not been examined. If there is any negligence on the side of the claimant, the appellant should have examined the driver of the bus, who is the right person to speak about the factum of the accident but they failed to examine the driver. Hence, the Tribunal has rightly fixed the liability and awarded the compensation which needs no interference. Further, the accident was happened in the year 2022 therefore the tribunal has rightly fixed the compensation for the claimant. Hence, this Court does not find any reason to interfere with the findings of the Tribunal.

8. In the result, this Civil Miscellaneous petition is dismissed. No Costs.

Pending petition(s), if any, is/are closed.

**03-06-2025**

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



CMA No. 1337 of 2025



**CMA No. 1337 of 2025**

WEB COPY

To

1. The Managing Director,  
Tamil Nadu State Transport Corporation, Salem.
2. The Exclusive Motor Accidents Claims Tribunal, Kallakurichi.



WEB COPY

CMA No. 1337 of 2025



**T.V.THAMILSELVI J.**

pbl

**CMA No. 1337 of 2025  
AND CMP NO. 11395  
OF 2025**

**03-06-2025**