



C.M.A.No.399 of 2024

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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.399 of 2024

The Managing Director,
Tamil Nadu State Transport,
Villupuram Taluk.

...Appellant

Vs.

1.Ambujam
2.Minor Yazhini
3.Minor Harivarthini
*(Minor Petitioners 2 to 3 Represented by his
Mother and Next Friend the First Petitioner)*

...Respondents

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree award dated 13.08.2021 made in M.C.O.P.No.8235 of 2018 on the file of MACT (IV Court of Small Causes) at Chennai.

For Appellant : Mr.T.Chandrasekaran

For Respondents : Mr.P.Shanmugam for R1 to R3
for M/s.S.Law Firm

J U D G M E N T



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This appeal is filed by the appellant challenging the award dated 13.08.2021 made in M.C.O.P.No.8235 of 2018 on the file of the Motor Accidents Claims Tribunal (IV Court of Small Causes) at Chennai.

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

3.The petitioners are the claimants and the respondent is the Transport Corporation before the Tribunal.

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

According to the petitioners, on 18.07.2018 at 07.15 hours, when the deceased was driving a motorcycle bearing Registration No.TN-91-D-5230 proceeding from West to East at Agarasolatharam near Kanniyan vacant land, at the time a Government bus bearing Registration No.TN-32-N-2251 came in a rash and negligent manner and dashed against the deceased vehicle, thereby sustained grievous head injuries and he died on the spot. The petitioners filed a claim petition before the Tribunal in



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M.C.O.P.No.8235 of 2018, the Tribunal awarded a sum of Rs.17,75,000/- as compensation. Aggrieved by the same, the present appeal has been filed.

5.Learned counsel appearing for the appellant submitted that the Tribunal erroneously fixed negligence on the appellant Transport Corporation and compensation awarded by the Tribunal is highly excessive, which is not sustainable. Accordingly, he prayed for appropriate orders.

6.Per contra, learned counsel appearing for the respondents submitted that due to rash and negligent driving by the driver of Transport Corporation, the accident occurred and he died on the spot. He further submitted that the appeal preferred by the appellant Transport Corporation is not sustainable and accordingly, he prayed for dismissal of the appeal.



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7.Heard learned counsel appearing for the appellant as well as the learned counsel appearing for the respondents and perused the materials available on record.

8.Before the Tribunal, the first petitioner was examined as PW1, Mr.Singaravel, an eye witness to the accident was examined as PW2 and on the side of the petitioners, 13 documents were marked as Exs.P1 to P13. On the side of the respondent, Mr.Venkatesan, driver of the bus was examined as RW1 and no document was marked.

9.The appellant Transport Corporation has failed to disprove the evidence of PW2, who was an eyewitness to the accident or no independent witness was examined to prove and substantiate its case. Therefore, the compensation awarded by the Tribunal is very reasonable and this Court does not find any grounds to interfere with the award passed by the Tribunal.



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10.The judgment and decree dated 13.08.2021 passed by the Motor Accidents Claims Tribunal/IV Court of Small Causes, Chennai in M.C.O.P.No.8235 of 2018, is confirmed.

11.The appellant Transport Corporation is directed to deposit the compensation awarded by the Tribunal, less the amount already deposited, if not deposited earlier together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of 8 weeks from the date of receipt of this judgment. The other directions issued by the Tribunal with regard to the mode of payment of compensation and apportionment remain unaltered.

12.In the result, the Civil Miscellaneous Appeal is disposed of.

No costs.

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 Motor Accident Claims Tribunal,
IV Court of Small Causes,
Chennai.
- 2.The Section Officer,
VR Section,
High Court of Madras, Chennai – 600 104.

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