



C.M.A.No.1383 of 2025

C.M.A.No. 1383 of 2025

WEB CO **T.V.THAMILSELVI, J.**

This matter was taken up for hearing under the caption “For Being Mentioned” today at the instance of the learned counsel for the appellant.

2. The learned counsel for appellant would submit that this Court by Judgment dated 05.06.2025 dismissed the above Civil Miscellaneous Appeal. However, he would submit that in para 8, this court granted time to deposit the balance amount within a period of six weeks, but it was mentioned as six months. Hence, he prayed to amend the same and also prayed to extend the time and requested to issue fresh order copy.

3. Heard the contentions of learned counsel for appellant and perused the order.

4. Considering his submissions, Registry is directed to substitute words in para 8, page 5, 3rd line viz., “six months” as “**six weeks**”.

5. Time to deposit the balance amount in MACTOP No.99 of 2018 by the appellant is extended for the period of two weeks from today.



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5. Registry is directed to incorporate above correction in the judgment of this Court in C.M.A.No.1383 of 2025 dated 05.06.2025 and issue fresh order copy to the appellant.

06.08.2025

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N.B. :- Issue order copy on 07.08.2025.



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06.08.2025



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CMA No. 1383 of 2025
and
CMP.No.11739 of 2025**

United India Insurance Co Ltd
Door No.1, BOB Building, 5th
Floor, State Bank Road, Coimbatore

Appellant(s)

Vs

1. Selvarathinam
W/o. Shanmugam,

2.Sameer
S/o.Mohammed Ali

3.The proprietor
Vee Vee Bus Service
No.14, Sowripalayam Road,
Ramanathapuram,
Coimbatore - 641045.

4.The New India Assurance Co.Ltd.,
No.436, Divisional Office,
D.B.Road, R.S.Puram,
Coimbatore.

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5.Mohan Kumar
S/o. S.Jaganathan

6.The Proprietor
M/s.Muthukumar Travels Pvt Ltd.,
No.11/24, Thadagam Road,
R.S.Puram, Coimbatore.

7.L.Venkatesan
S/o.N.L.Leela Krishnan

Respondent(s)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to set aside the Award dated 09/09/2024 passed in M.A.C.T.O.P. No.99 of 2018 by the Special Sub Judge, Motor Accidents Claims Tribunal, Coimbatore.

For Appellant(s): R Rathna Thara

For Respondent(s): M/s. A.S. Vijaya Raghavan
For R1 Rr2, 3 And 5
Dispensed With M/s. R.
Neethi Perumal For R4 M/s.
N. Thamizhanban For R7 R6
- Notice Sent Service Awaited

JUDGEMENT

The appellant has filed this appeal to set aside the Award dated 09/09/2024 passed in M.A.C.T.O.P. No.99 of 2018 by the Special Sub Judge, Motor Accidents Claims Tribunal, Coimbatore.

2. For the purpose of convenience, the parties herein are



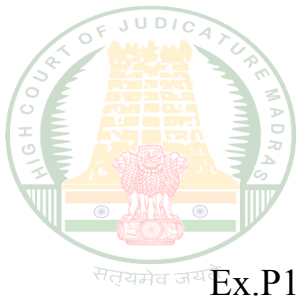
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referred to as they were ranked in the Tribunal.

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3. Challenging the award passed by the Tribunal, the learned counsel for the Insurance Company/appellant submits that the liability fixed by the Tribunal is erroneous. As per the award, 60% liability was fixed on the bus driven by the driver (R5) in the MACTOP.No.99 of 2018. According to the Insurance Company, due to the negligent driving of the mini-bus, driven by Mohan Kumar, the injured fell from the vehicle belonging to the third respondent. However, the Tribunal, instead of fixing the entire liability on the third respondent, erroneously fixed 60% as if the driver of the mini-bus, who belongs to the sixth respondent, had driven negligently. Therefore, he prays for the award passed by the Tribunal to be set aside.

4. On perusal of the records, it is revealed that before the Tribunal, there was no oral evidence on the side of the fourth respondent / appellant herein. However, the second respondent's bus was insured with the third respondent, and the driver of that bus, namely R1 was examined as R.W.1. On the side of the claimant, documents marked as



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Ex.P1 to Ex.P15 were produced before the Tribunal.

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5. On considering the entire evidence on record, the Tribunal concluded that the injured fell down due to the sudden movement of the bus in which he was travelling. That bus belonged to the second respondent. Immediately after he fell, the bus belonging to the fifth respondent and driven by its driver, R4 Mohan Kumar, who was driving negligently, ran over the claimant, thereby causing him serious injuries.

6. Considering the facts and circumstances, the Tribunal rightly fixed liability on the negligent driving of both buses. If the fourth respondent had driven the vehicle at a normal speed, the claimant would not have sustained grievous injuries. Therefore, the Tribunal fixed 60% liability on R4 & R6 / R5 & the appellant herein, and 40% on R1 to R3 / R2 to R4 herein, which does not warrant interference.

7. Hence, the objection raised by the appellant / R4, is unsustainable. Accordingly, this Civil Miscellaneous Appeal is dismissed as being devoid of merit. Consequently, the connected miscellaneous



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petition is closed. There shall be no order as to costs.

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8. The claimant is now aged about 77 years. Therefore, the appellant is directed to deposit the balance amount in MACTOP.No.99 of 2018, within a period of six months from the date of receipt of a copy of this order.

05-06-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
rri



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1.Selvarathinam

W/o. Shanmugam, D.No. 106-B,
Bharathi Street, Appagounder
Thottam, Chinnavedampatti,
Coimbatore-641042.

2.Sameer

S/o. Mohammed Ali, Res at VPN
Nagar, Coonoor, Nilgiris-643 004.

3.The Proprietor

VEE VEE Bus Service, No. 14,
Sowripalayam Road,
Ramanathapuram, Coimbatore-
641045.

4.The New India Assurance Co Ltd

No. 436, Divisional Office,
D.B.Road, R.s.Puram, Coimbatore.

5.Mohan Kumar

S/o. S.Jaganathan, No. 16/2,
Iyyappasamy Koil Street, Ettimadai,
Coimbatore-641 005.

6.The Proprietor

M/s. Muthukumar Travels Pvt Ltd,
No. 11/24, Thadagam Road,
R.S.Puram, Coimbatore.

7.L.Venkatesan

S/o. N.V.Leela Krishnan, No. 468
Kamarajar Road, Peelamedu,
Coimbatore.

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