



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1166 of 2025

AND

CMP NO. 9556 OF 2025

The Managing Director
Tamil Nadu State Transport
Corporation, Bus Depot at Arakkonam
Road, Tiruttani, Head Office at
(Villupuram Div. III) Ltd, Kancheepuram.

Appellant

Vs

1. Mrs.Meenakshi

2.M Vinith

3.Vinitha

4.Vishva

Respondents 3 and 4 are declared as
major and their mother Mrs.Meenakshi
is discharged from guardianship of RR3
and 4 vide court order dated 14.07.2025
made in CMP No. 14996 of 2025 in
CMA No.1166 of 2025 by TVTSJ

Respondents



PRAYER:- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to set aside the Decree and order dated 13.03.2024 passed in M.C.O.P No. 32 of 2018 by the Motor Accidents Claims Tribunal, Tiruttani (In the Subordinate Judges Court, Tiruttani) by allowing this Civil Miscellaneous Appeal.

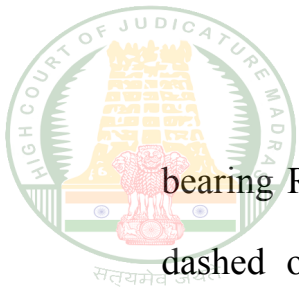
For Appellant(s): Mr.A.Vinothraj

For Respondent(s): Mr.G.Jeremiah For R1 and R2

JUDGMENT

Challenging the contributory negligence fixed by the Motor Accident Claims Tribunal, Sub-Judge, Tiruttani in MCOP No.32 of 2018, dated 13.03.2024, the appellant/respondent insurance company preferred this Civil Miscellaneous Appeal.

2. The case of the respondents/petitioners is that on 11.11.2017 at about 11,30 hrs, the deceased Murugan and his friends were moving towards Tiruvallur from Thirupachur in their two wheeler bearing Regn. No. TN-20-AF6481, wherein the deceased was a pillion rider and when they were moving in Uthukkottai to Tiruvallur road, near the Tiruvallur bypass junction, the bus

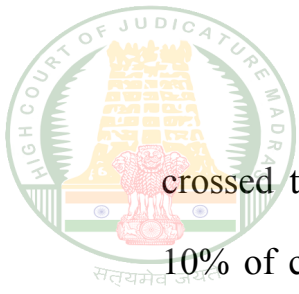


bearing Regn. No. TN-21 N-1703 was driven in a rash and negligent manner, dashed over the two wheeler and caused an accident. Due to which, the deceased was thrown out, fell, down and sustained fatal injuries, for which he underwent treatment in the hospital, but he died inspite of treatment. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.40,00,000/-.

3.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the appellant transport corporation. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.17,62,875/- under various heads and the said compensation was directed to be paid with interest at the rate of 7.5% per annum.

4.The appellant transport corporation aggrieved by the contributory negligence fixed by the Tribunal has filed the present appeal before this Court.

5. The learned counsel for appellant argues that the contributory negligence fixed upon the transport corporation is not proper, since the accident was happened due to the negligent driving of rider of two wheeler, besides, three persons were travelled in the vehicle at that time and suddenly they have



crossed the road and hit the bus, thereby accident was happened, for which, 10% of contributory negligence only fixed upon the deceased by the tribunal.

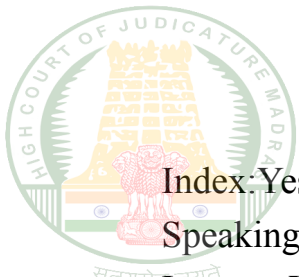
Therefore, they wanted to fix the 50% of liability upon the deceased also.

6. The learned counsel for respondents raised objections stating that the deceased was a pillion rider and if the driver of bus not applied the brake, the accident would have been avoided. Therefore, the tribunal has rightly fixed no negligence upon the bus driver, which needs no interference.

7. Heard both sides.

8. Considering both side submissions, the fact reveals that on 11.11.2017 the accident was happened and at the time of accident, three persons travelled in a two wheeler and the two wheeler hit the number plate of bus, when they about to cross half the way of the road, the bus had hit it, thereby the accident was happened, however the eyewitnesses have spoken about the fault of the driver. Hence, the tribunal has rightly fixed contributory negligence upon the appellant transport corporation, which needs no interference. Accordingly, this Civil Miscellaneous Appeal is dismissed and the award passed by the tribunal in MCOP.No. 32 of 2018 is confirmed. No costs. Consequently, the connected Civil Miscellaneous Petitions are closed.

14-07-2025



Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accidents Claims Tribunal, Subordinate Court, Tiruttani.
2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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