



C.M.A.No.1706 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.1706 of 2024
and C.M.P.No.13679 of 2024

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

...Appellant(s)

Vs.

Mani Gounder

...Respondent(s)

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment dated 29.09.2022 made in M.C.O.P.No.906 of 2016 on the file of the Exclusive Motor Accident Claims Tribunal, Presiding Officer, Tirupur.

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



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For Respondent(s) : Mr.M.Lokesh
for MA.P.Thangavel

J U D G M E N T

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.906 of 2016 dated 29.09.2022.

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

3.The petitioner is the claimant and the respondent is the Transport Corporation before the Tribunal.



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

According to the petitioner, on 10.04.2016 at about 07.30 p.m., when the petitioner was riding his two wheeler bearing Registration TN 39 AA 1518 at that time, a bus bearing Registration No.TN 38 N 2739 driven by its driver in a rash and negligent manner hit the petitioner. Due to the accident, the petitioner sustained grievous injuries and was taken to Muthoos Hospital, Singanallur. The petitioner filed a claim petition before the Tribunal in M.C.O.P.No.906 of 2016, the Tribunal after adjudication awarded a sum of Rs.6,46,164/- as compensation. Aggrieved by the same, the present appeal has been filed.

5.Learned counsel appearing for the appellant submitted that the two wheeler which was coming from the opposite direction, crossed the road and came opposite to the bus in a zig zag manner and hit against the rear side 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.



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6.Per contra, learned counsel appearing for the 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.

7.Heard learned counsel appearing for the appellant, learned counsel appearing for the 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, 3 documents were marked as Exs.P1 to P3. On the side of the respondent, Mr.Manokaran, a conductor of the bus was examined as RW1 and no document was marked. The Disability Certificate was marked as Ex.X1.



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9.On perusal of the records, it is seen that the petitioner was aged

56 years was working as power loom fitter at the time of the accident.

10.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.

11.The judgment and decree dated 29.09.2022 passed by the Exclusive Motor Accident Claims Tribunal, Presiding Officer, Tirupur in M.C.O.P.No.906 of 2016, is confirmed.

12.The appellant Transport Corporation is directed to deposit the compensation awarded by the Tribunal, less the amount already 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 respondent/claimant is permitted to withdraw the amount along with accrued interest and proportionate costs, after deducting the amount



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already withdrawn, if any, on making proper and necessary application before the Tribunal.

13.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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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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T.V.THAMILSELVI, J.
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