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CMA. No.1943 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2025

CORAM :

**THE HON'BLE MR. JUSTICE R. SURESH KUMAR
AND
THE HON'BLE MR. JUSTICE P.DHANABAL**

CMA.No.1943 of 2025
and CMP.No.16947 of 2025

The Managing Director
Tamilnadu State Transport Corporation (Coimbatore) Ltd,
Erode Region, Having office at No.45,
Chennimalai Road, Erode-638 001.

....Appellant

-VS-

1.K.Vinoth
2.K.Ajith

...Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the award dated 20.03.2024 made in M.C.O.P.No.306 of 2021 on the file of the Special District Judge, Erode (to deal with MCOP cases) and be pleased to dismiss the above claim as against the appellant.

For Appellant : Mr.M.Murali Vinodh

JUDGEMENT

(Judgment was delivered by P.DHANABAL, J.)

This Civil Miscellaneous Appeal has been filed as against the fair and decreetal order passed by the Special District Judge, Erode (to deal with MCOP



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cases) in M.C.O.P.No.306 of 2021 dated 20.03.2024, wherein the respondents 1 and 2 herein claimed compensation for the death of one Vasanthi who is mother of the respondents 1 and 2. The Tribunal awarded a sum of Rs.95,01,110/- as compensation, and fixed contributory negligence on the part of the deceased by forfeiting 15% of the compensation amount and totally awarded a sum of Rs.80,75,944/- along with interest at the rate of 7.5% per annum from the date of petition till the date of deposit. Aggrieved by the said order, the petitioner's Corporation has preferred this appeal only on the grounds of negligence.

2.Before the Tribunal, the respondents 1 and 2 have filed petition for compensation alleging that on 11.01.2021 at about 04.00 pm in Avalpoondurai-Lingathakuttai Road, near Maniamalayam pallam bus stop, while the deceased vasanthi, who was the mother of the respondents 1 and 2 was riding her two wheeler bearing registration No.TN 33 AM 5632, the appellant/1st respondent vehicle came in a rash and negligent manner and dashed against the motor cyclist. Due to which, she sustained injuries and thereafter, she was taken to Sudha Hospital, and thereafter shifted to KMCH, Coimbatore and she was treated as inpatient from 11.01.2021 to 12.01.2021 and then, on 13.01.2021, she was shifted to Erode G.H and on the same day, she died. Therefore, the



accident took place due to rash and negligent driving of the petitioner's bus driver and the FIR also registered as against the driver of the bus. The deceased was aged about 53 years on the date of accident and she was working as Head mistress and drawn a sum of Rs.91,549/- as salary. Therefore, they claimed compensation of Rs.2 Crores.

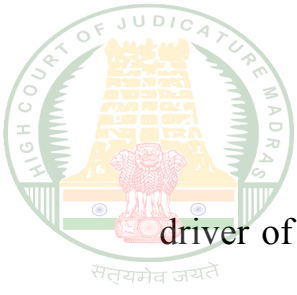
3. The petitioner herein who was arrayed as 2nd respondent in the main petition, filed a counter by denying the negligence on the part of the bus driver and also denied the age, occupation, status and income, of the deceased. There is a delay in registering the FIR. The accident occurred only due to negligence on the part of the deceased and the driver of the bus drove the vehicle in a slow speed by observing the traffic rules. Therefore, there is no negligence on the part of the driver of the bus.

4. Before the Tribunal, on the side of the claimants, PW1 to PW3 were examined and Ex.P1 to Ex.P19 were marked. On the side of the respondents, no oral or documentary evidences were adduced. The Tribunal after hearing both sides, perused the records fastened the liability as against the bus driver 85% and as against the rider of the two wheeler 15% for not wearing a helmet. Based



on the salary certificate and considering the age of the deceased, the Tribunal fixed the salary at Rs.91549/-, and deducted one-third of the amount for her personal expenses, applied a multiplier of 11, and calculated the amount as Rs.95,01,110/-. After deducting 15% of the compensation for the contributory negligence of the deceased for not wearing a helmet, awarded a sum of Rs.80,75,944/-. Therefore, the Tribunal awarded a reasonable amount, and the appellant has not disputed the quantum of the amount, and preferred this appeal only on the ground of negligence.

5. In this context, before the Tribunal on the side of the claimants Pw1 to Pw3 were examined. PW2, who was the eyewitness to the occurrence, has categorically deposed about the rash and negligent driving of the driver of the bus and an FIR is also registered as against the bus driver. Therefore, the Tribunal has fixed the negligence on the part of the driver of the bus. However, the rider of the two wheeler at the time of accident did not wear a helmet, which contributed to the negligence, fixed the liability on the deceased 15%. On the side of the appellant/2nd respondent, no any oral or documentary evidences adduced to rebut the petitioner's side evidence before the Tribunal. Therefore, the Tribunal based on the evidences, fixed the negligence on the part of the



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driver of the bus and due to not wearing a helmet fixed liability on the part of the deceased 15% and the same is in order. This Court finds no perversity or illegality in the order passed by the Tribunal and it does not warrant any interference.

6. In view of the above said discussions, this Court is of the opinion that this civil miscellaneous appeal has no merits and deserves to be dismissed. Accordingly, the same is dismissed at the admission stage itself. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.K,J.] [P.D.B, J.]
18.07.2025

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**R. SURESH KUMAR, J.
AND
P.DHANABAL, J.**

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To

The learned Special District Judge,(to deal with MCOP cases)
Erode.

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