



WEB COPY

CMA No. 684 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 684 of 2021

KARTHIKEYAN

S/o.Sivakumar, 61, Mekkan St, Old Bus
Stand Road, Bhavani Town And Tk,
Erode Dist.

Appellant(s)

Vs

ANANDAKUMAR

S/o.Ramasamy, 5/269, Jeeva Transport
Colony, Senbagapudur Post,
Sathyamangalam

Respondent(s)

PRAYER

This Civil Miscellaneous Appeal has been filed under Section 173 of the Motor Vehicles Act, 1988, prayed to set aside the award and judgment made in MCOP No.253/2013 on the file of Subordinate court, Bhavani, dated 10.10.2018.



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For Appellant(s): C.Kulanthaivel

For Respondent(s): M/s. M. Murali Vinodh For R2
R1 - Left

ORDER

Challenging the dismissal order passed by the Tribunal, the claimant has preferred this appeal.

2. The learned counsel for the appellant submitted that the negligence on the part of the bus driver was not properly considered by the Tribunal, which erroneously dismissed the claim petition. He further contended that the claimant had proved the case before the Tribunal by examining eye-witnesses and therefore prayed to set aside the findings of the Tribunal.

3. By way of reply, the learned counsel for the second respondent submitted that, at the time of the accident, the two-wheeler was being driven by the injured, who was a minor and did not possess a valid driving licence. In addition to the injured, his minor sister and mother were also traveling on the two-wheeler, three persons in total. The vehicle went out of control and hit the



road divider, resulting in the accident. There was no negligence on the part of the bus driver, and the Tribunal rightly appreciated the facts and dismissed the claim. Hence, the findings require no interference.

4. On considering the entire facts of the case, it is revealed that the alleged accident occurred on 01.07.2012 at around 3.00 p.m., when the two-wheeler, driven by the appellant and carrying his mother and minor sister, collided with a bus belonging to the Transport Corporation bearing registration No. TN-33-N-2415. As a result, the petitioner sustained injuries.

5. The complaint was lodged by the driver of the bus, who reported that the accident occurred due to the negligence of the two-wheeler rider. Based on this, an FIR was registered. Though the learned counsel for the appellant argued that the injured's mother also filed a complaint, no such document or evidence was produced before the Court.



6. Even according to the rough sketch marked as Ex.P4, it is evident that the accident occurred in the middle of the road, and there is no material proof to show that the accident happened due to the negligence of the bus driver. Therefore, the Tribunal rightly considered the available evidence and dismissed the claimant's petition.

7. Furthermore, as per the testimony of P.W.1, it was admitted that the appellant was studying in +2 (Higher Secondary). However, no age proof was produced by the appellant to establish that he was a major at the time of the accident. Nor was any valid driving licence produced. Additionally, all three persons, including two minors, were riding on the two-wheeler, which was being driven by the claimant. Therefore, negligence on the part of the claimant is clearly established.

8. In view of the above facts and circumstances, the findings rendered by the Tribunal require no interference. The dismissal of the claim petition is upheld.



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9. Accordingly, this Civil Miscellaneous Appeal is dismissed. There shall be no order as to costs.

25-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

rri

To

1. The Subordinate Judge, Bhavani.

2. The Managing Director,

Tnsc (coimbatore Division-ii) Ltd. Sennimalai Road, Erode-1, Erode Dist.

3. The Section Officer, VR-Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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