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CMA Nos.1265 to 1269 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CMA Nos.1265 to 1269 of 2025 and
CMP Nos.10627, 10633, 10630, 10634 & 10642 OF 2025

The Commissioner of Sericulture,
Foulres, Anaimeedu, salem 636 001.

... Appellants in
all CMAs

Vs.

Murugammal

... Respondent in
CMA No.1265 of 2025

Muniammal

... Respondent in
CMA No.1266 of 2025

Gowri

... Respondent in
CMA No.1267 of 2025

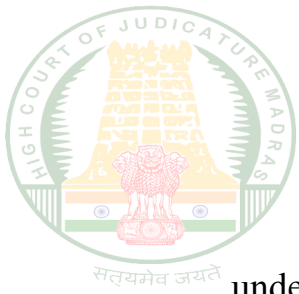
Anitha

... Respondent in
CMA No.1268 of 2025

Rani

... Respondent in
CMA No.1269 of 2025

Prayer in CMA No.1265 of 2025: Civil Miscellaneous Appeal filed



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under Section 173 of Motor Vehicles Act to set aside the judgment and decree passed by the Special Subordinate Judge, Motor Accident Claims Tribunal, Tirupattur in MCOP No.243 of 2019, vide order dated 29.08.2022.

Prayer in CMA No.1266 of 2025: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act to set aside the judgment and decree passed by the Special Subordinate Judge, Motor Accident Claims Tribunal, Tirupattur in MCOP No.241 of 2019, vide order dated 29.08.2022.

Prayer in CMA No.1267 of 2025: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act to set aside the judgment and decree passed by the Special Subordinate Judge, Motor Accident Claims Tribunal, Tirupattur in MCOP No.262 of 2019, vide order dated 29.08.2022.

Prayer in CMA No.1268 of 2025: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act to set aside the judgment and decree passed by the Special Subordinate Judge, Motor Accident Claims Tribunal, Tirupattur in MCOP No.242 of 2019, vide order dated 29.08.2022.

Prayer in CMA No.1269 of 2025: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act to set aside the judgment and



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decree passed by the Special Subordinate Judge, Motor Accident Claims Tribunal, Tirupattur in MCOP No.260 of 2019, vide order dated 29.08.2022.

In all CMAs

For appellant : Mr.C.Sathish, Government Advocate

COMMON JUDGMENT

All these Civil Miscellaneous Appeals have been filed challenging the common order passed by the learned Special Subordinate Judge, Motor Accident Claims Tribunal, Tirupattur in MCOP Nos.243, 241, 262, 242 and 260 of 2019 dated 29.08.2022.

2. Since all the appeals have arisen out of the same accident, these appeals are taken up for hearing together.

3. It is the case of the claimants/respondents that on 22.06.2019, the claimants travelled in an auto belonging to one Sivakumar and when the auto was taking right turn near Pinappalli Junction in Krishnagiri-Vaniyambadi National Highways Road, a Bolero Car belonging to the appellant came in a rash and negligent manner and



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dashed against the auto. As a result of accident, the Auto got capsized and the claimants sustained injuries and hence, they filed claim petitions separately seeking compensation, as mentioned below.

<i>MCOP No.</i>	<i>Compensation in Rs.</i>
MCOP No.243 of 2019	75,000
MCOP No.241 of 2019	5,00,000
MCOP No.262 of 2019	75,000
MCOP No.242 of 2019	5,00,000
MCOP No.260 of 2019	75,000

4. The claim petitions were opposed by the appellant herein/ respondent on the ground that the accident had occurred only due to the negligent driving of the auto by its driver.

5. The Tribunal, based on the evidence available on record, came to the conclusion that the accident had occurred only due to the negligence on the part of the driver of the car belonging to the appellant. The Tribunal quantified the compensation payable to the claimants/respondents herein as noted below.

<i>MCOP Nos.</i>	<i>Compensation awarded in Rs.</i>
MCOP No.241 of 2019	28,230



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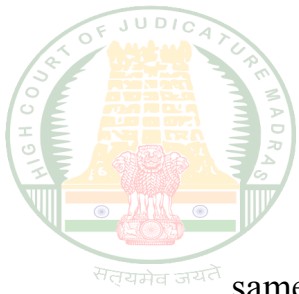
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MCOP Nos.	Compensation awarded in Rs.
MCOP No.243 of 2019	25,000
MCOP No.262 of 2019	25,000
MCOP No.242 of 2019	26,500
MCOP No.260 of 2019	25,000

Aggrieved by the award passed by the Tribunal, the appellant has come before this court.

6. The learned counsel for the appellant would submit that totally 8 persons had travelled in the auto, exceeding its seating capacity and therefore, the Tribunal committed an error in fixing negligence on the part of the driver of the Bolero Car. He further submits that the quantum of compensation fixed by the Tribunal is excessive.

7. Before the Tribunal, the injured claimants were examined as PW1 to PW7 and they deposed that the driver of the auto was taking U-Turn by following traffic rules and the car belonging to the appellant was driven in a rash and negligent manner by its driver. An FIR was filed against the driver of the car belonging to the appellant and the



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same has been marked as Ex.P1. Therefore, the Tribunal, based on the evidence of PW1 and the contents of the FIR-Ex.P1, came to the conclusion that the accident had occurred only due to the negligence on the part of the driver of the car belonging to the appellant and I do not find any error in the finding of the Tribunal with regard to the negligence on the part of the driver of Bolero Car and fastening of liability on the appellant. Hence, the said finding is affirmed.

8. The injured claimants had taken treatment in Tiruppattur Government Hospital, the Accident Register and the Discharge Summary issued by the Government Hospital have been marked on the side of the claimants/respondents before the Tribunal as Ex.P2, P5, P8, P9, P11, P12 and Ex.P15 to Ex.P17. Taking into consideration the medical documents issued by the Government Hospital and the nature of injuries suffered by the claimants, the Tribunal fixed a sum of Rs.20,000/- towards pain and sufferings and a sum of Rs.5,000/- under the head nutritious food to the claimants. As far as the claimant Muniammal in MCOP No.1266 of 2025 and claimant Anitha in MCOP No.1268 of 2025 are concerned, based on the medical bills issued by



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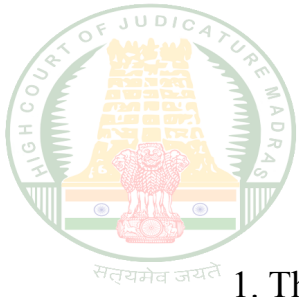
the Government Hospital, the Tribunal awarded an extra amount of Rs.3,230 and Rs.1,500/- respectively towards medical expenses, as it was supported by the documents. The compensation fixed by the Tribunal to each of the claimants/respondents herein is based on proper appreciation of evidence and medical documents produced by the concerned claimants. Therefore, it requires no interference by this court.

9. In view of the discussions made supra, the appellant/respondent has not made out any case and accordingly, all the civil miscellaneous appeals are dismissed. There shall be no order as to costs. Connected miscellaneous petitions are closed.

29.04.2025

Index : Yes/No
Speaking order : Yes/No
Neutral citation : Yes/No
mst

To



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1. The Special Subordinate Judge,
MACT, Tirupattur.
 2. The Section Officer,
V.R.Section, Madras High Court.



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S.SOUNTHAR, J.

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