



C.M.A.No.3450 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2025

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

AND

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

C.M.A.No.3450 of 2019

The Managing Director,
Karnataka State Road Transport Corporation Limited,
Chickballapur Division,
Chickballapur,
Bengaluru,
Karnataka State.

... Appellant

vs

1.Manjula

2.Minor Rogit

3.Minor Roshini

(Minor Respondents 2 & 3 rep. by Next Friend
Mother 1st Petitioner)

Kamalammal (died)

4.Kannayeram

5.Depot Manager,
Tamil Nadu State Transport Corporation,
Thirupathur.

... Respondents



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PRAYER : Appeals against the judgment and decree, dated 25.02.2019, passed in M.C.O.P.No.254 of 2011 on the file of Motor Accident Claims Tribunal-cum-Principal District Court, Dharmapuri.

For Appellant : Mr.T.Thiyagarajan

For Respondents 1 to 4 : Mr.P.Thirumalaivasan,
for Mr.M.Selvam

Respondent 5 : Mr.D.Nitin,
Standing Counsel.

JUDGMENT

(By Dr.G.Jayachandran,J.)

This appeal is filed by Transport Corporation of Karnataka against the award passed by the Motor Accident Claims Tribunal-cum-Principal District Court, Dharmapuri, in M.C.O.P.No.254 of 2011, filed by the victims of a road accident on 30.10.2010, involving two passenger buses, one owned by Transport Corporation of Karnataka, the appellant herein, and the other owned by Tamil Nadu State Transport Corporation, who is the fifth respondent in this appeal.

2. The Tribunal, taking note of the fact that due to a head on collision, the accident had occurred, fixed the liability at 70% on the appellant-Transport Corporation of Karnataka and 30% liability on the Transport Corporation of Tamil Nadu.

3. The short point, that is canvassed in this appeal, is that there



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are multiple claim petitions filed in respect of the same accident. The Tribunal, which had dealt with the other claim petitions, considering the fact that it was a head on collision and that both the drivers were responsible, fixed the liability equally on the owners of the buses, whereas, in this claim petition alone, the Tribunal fixed 70% liability on the Transport Corporation of Karnataka and 30% liability on the Transport Corporation of Tamil Nadu.

4. Learned counsel appearing for the appellant submitted that as against the award passed in the other connected claim petitions, appeals were preferred before this High Court and this Court in a batch of appeals in C.M.A.Nos.1788 to 1793 of 2014, vide judgment, dated 30.06.2014, held and confirmed the view of the Tribunal that the accident had occurred due to contributory negligence of both the drivers.

5. For the sake of uniformity and also on facts, this Court finds that in the case of head on collision, indicating contributory negligence on both the drivers, the liability ought to be fixed equally on the drivers and the employers of the respective drivers, who are vicariously liable to compensate. Hence, this Civil Miscellaneous Appeal stands partly allowed to an extent of modifying the liability of the appellant, the first respondent in the claim petition, to 50% of the compensation amount, instead of 70%, awarded by the Tribunal. The remaining 50% is the liability of the fifth respondent, who is Tamil Nadu State Transport Corporation.



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6. Counsel for the appellant states that the entire 50% of the award amount is deposited pursuant to the conditional order of this Court, while granting stay. If so, the appellant is directed to deposit the balance amount within a period of eight weeks, in terms of this order. The fifth respondent shall deposit 50% of the award amount with interest within a period of eight weeks. On such deposit, the claimants are entitled to withdraw the same in terms of the award. No costs. Consequently, the connected C.M.P.No.20211 of 2019 is closed.

dixit

(DR.G.J.,J.) (M.S.K.,J.)
24.09.2025

To

Motor Accident Claims Tribunal
-cum-Principal District Court,
Dharmapuri.

DR.G.JAYACHANDRAN,J.
AND



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MUMMINENI SUDHEER KUMAR, J.

dixit

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