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CMA No. 1911 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1911 of 2025

and

CMP No. 16748 of 2025

The Managing Director
Tamil Nadu State Transport Corporation Limited.,
Salem (West), Salem Taluk & Dt.

Appellant

Vs

1. Manikandan

2. Minor Rasika

3. Minnor Dheeran

4. Minor Aadhivarun

Minors 2 to 4 are rep. by their next
friend/father/1st respondent Manikandan

Respondents



PRAYER:-Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to allow the CMA by setting aside the Order dated 10.01.2025 made in MCOP No.412/2023 passed by the Exclusive Motor Accident Claims Tribunal, Dharmapuri.

For Appellant: Mr. D.Nitin

JUDGEMENT

Challenging the impugned award passed by the Exclusive Motor Accident Claims Tribunal, Dharmapuri in MCOP No.412 of 2023, dated 10.01.2025, the appellant/respondent transport corporation preferred this Civil Miscellaneous Appeal.

2.The case of respondents/petitioners 1 to 4 is that on 05.08.2023 at about 09.15 hours. when the first petitioner was riding his two wheeler bearing Regn. No. TN-37 CK-2666 along with deceased Senbagavalli as a pillion rider near Kondalampatti Butterfly Bridge, Salem, a TNSTC bus bearing Regn. No. TN-30 N-1449 came from behind and was driven by its driver in a rash and negligent manner, dashed first petitioner's two wheeler, as a result of which, they fell down and caused an accident. Due to which, the deceased sustained



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grievous injuries, for which she underwent treatment in the hospital and she died inspite of treatment. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.50,00,000/-.

3. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the respondent transport corporation. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.20,66,050/- under various heads and the said compensation was directed to be paid with interest at the rate of 7.5% per annum.

4. The appellant transport corporation aggrieved by the quantum of compensation fixed by the Tribunal has filed the present appeal before this Court.

5. The learned counsel for appellant argues that on the date of alleged accident, 1st respondent herein was riding his two wheeler along with his wife, sons and daughter in a rash and negligent way carrying 5 persons, lost his



control and on the right side handle bar of his vehicle hit the left side portion of bus, thereby the accident was taken place. But, without considering the nature of accident, the tribunal had fixed only 30% of contributory negligence on the part of rider of two wheeler. Hence, he prayed to modify the same.

6. On seeing the facts, it reveals that due to the accident, wife, who was a pillion rider, mother of children was died and her children are minors. So, the 30% of contributory negligence fixed upon the rider/1st respondent by the tribunal is justifiable one, which needs no interference. Hence, this appeal is liable to be dismissed. Accordingly, this Civil Miscellaneous Appeal is dismissed as no merit. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

22-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Exclusive Motor Accident Claims Tribunal, Dharmapuri.
2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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