



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1797 of 2025

AND

CMP NO. 15788 OF 2025

1. The Managing Director
TNSTC Salem Ltd., No.12
Ramakrishna Road, Salem.

Appellant(s)

Vs

1. Thangaraj S/o Sankar
Residing at D.No.3/4, Thalhalli Village
and Post, Krishnagiri Tk and District.

2.S Ravi S/o Subramaniam
30, Kuttaikadu, Thottiyapatti Po,
Akkarapatty Via,. Rasipuram Tk,
Namakkal District, Tamilnadu.

Respondent(s)

PRAYER

To set aside the judgement and decree passed in MCOP.No.271 of 2022, passed by the MACT, Spl.Subordinate Court, Krishnagiri on 13-03-2025.



For Appellant Nitin. D
: Mr.S.P. Yuvaraj
For R1 :
R2 - Dispensed With Vide Court
Order Dated: 11.07.2025

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to set aside the judgement and decree passed in MCOP.No.271 of 2022, passed by the MACT, Spl. Subordinate Court, Krishnagiri.

2. On 20.07.2016 at about 20.00 hours the petitioner driven his two wheeler bearing registration No. TN 24 B 5614 with his friend as pillion rider in Dharmapuri to krishnagiri NH, at Thimmapuram Junction. At that time, TNSTC bus bearing registration No. TN 30 N 1440 which was going towards Salem coming from Krishnagiri side was driven by its driver in a rash and negligent manner without any signal turned towards Kaveripattinam in the right side of the road to cross road the NH and blocked the traffic in NH. Due to the sudden act of TNSTC bus driver the petitioner's two wheeler dashed behind the bus in the left back side and caused an accident, due to which the petitioner sustained injuries. Thereafter, the claimant filed the petition before the tribunal claiming



compensation and second respondent contested the case by filing counter. After considering the oral and documentary evidence the tribunal awarded compensation of Rs.19,50,000/-. Challenging the award passed by the tribunal, the Insurance company filed this appeal.

3. The learned counsel for the appellant/Insurance company submits that at the time of the accident, the claimant did not possessed valid driving licence to drive the two wheeler and deceased along with two persons travelled in the two wheeler. Thereby, they invited the accident however, the tribunal has not fixed any contributory negligence upon the deceased. Hence, he prays to set aside the award passed by the tribunal.

4. The learned counsel for the respondent submits that the the accident was happened solely due to the negligence of the bus driver of Transport Corporation. Therefore, contributory negligence would not arise. Hence, he prays to dismiss this appeal.

5. Heard both sides.

6. Considering the facts and circumstance of the case, as rightly pointed out by the appellant's counsel the rider of the two wheeler did not possessed any



valid driving licence at the time of the accident but the tribunal has failed to appreciate the same. Hence, this Court is inclined to fix 10% contributory negligence upon the rider of the two wheeler. Except above modification the award passed by the tribunal in other heads remain unchanged. After deducting 10% towards contributory negligence the claimant/appellant is entitled to Rs. 17,55,000/-. Accordingly, this appeal is partly allowed. No Costs.

14-08-2025

pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The MACT, Spl.Subordinate Court, Krishnagiri.
2. The Section Officer, V. R Section, High Court, Madras.



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CMA No. 1797 of 2025



T.V.THAMILSELVI J.
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