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C.M.A.No.2982 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2025

CORAM:

THE HONOURABLE Mrs.JUSTICE R.KALAIMATHI

**C.M.A.No.2982 of 2025**  
**and**  
**C.M.P.No.25238 of 2025**

The Managing Director,  
Tamil Nadu State Transport Corporation,  
No.12, Ramakrishna Road,  
Salem.

... Appellant/Respondent  
vs.

Suresh

... Respondent/Petitioner

**PRAYER:** Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 21.02.2025 made in M.C.O.P.No.342 of 2024 by the Motor Accident Claims Tribunal / Special Subordinate Court-1, Salem.

For Appellant : Mr. D.Nitin

### **JUDGMENT**

The Managing Director of Tamil Nadu State Transport Corporation, Salem, has preferred this Civil Miscellaneous Appeal against the Award



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dated 21.02.2025 passed in M.C.O.P.No.342 of 2024 by the Motor Accident Claims Tribunal / Special Subordinate Court-1, Salem, as regards the negligence issue.

2. Parties are indicated herein as per their litigative status and ranking before the Tribunal.

3. The learned counsel for the appellant put-forth two points:

- (1) The claimant was not wearing helmet at the time of accident.
- (2) He was under the influence of alcohol.

For these commissions, he has contributed to the accident and that was not considered by the Tribunal.

4. With regard to the first issue, during the cross-examination of PW1, when a question was posed to the effect that he did not wear helmet, for which, he has answered in positive.

5. As regards, second point, as per Ex.R3, Accident Register, a mention is made that the claimant was under the influence of alcohol.. As per Section 185 of the Motor Vehicles Act, the said fact was not



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substantiated by examining the relevant medical officer by the respondent side, to indicate the level of alcohol in the blood of the claimant at the relevant point of time. Therefore, both the issues put-forth by the respondent-Corporation does not warrant any interference of this Court.

6. By relying upon the testimony of PW1 and RW1, the Tribunal has arrived at the conclusion that due to the rash and negligent driving of the driver of the respondent Transport Corporation, the accident occurred and ultimately the Tribunal saddled the responsibility upon the Transport Corporation and I do not find any perversity or infirmity in the findings of the Tribunal and the Civil Miscellaneous Appeal is rejected at the admission stage itself.

7. In the result,

(i) The Civil Miscellaneous Appeal is Dismissed. No costs.

(ii) The Compensation awarded by the Tribunal is confirmed.

(iii) The Appellant / Transport Corporation is directed to deposit the compensation amount awarded by the Tribunal i.e., Rs.9,83,679/- (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit **(excluding the period of default, if any)** to the credit of M.C.O.P.No.342



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of 2024 on the file of Motor Accident Claims Tribunal, Special Subordinate Court-1, Salem, within a period of eight weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the respondent/claimant is at liberty to withdraw the compensation amount awarded by the Tribunal along with interest and costs, after adjusting the amount, if any already withdrawn, by filing cheque application before the Tribunal. The claimant is directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall disburse the compensation amount upon production of the certified copy showing proof of payment of Court fee by the claimant. Consequently connected miscellaneous petition is closed. Consequently connected miscellaneous petition is closed.

22.10.2025

Index : Yes/No  
Speaking / Non-speaking order  
ssn

To:

1. The Motor Accident Claims Tribunal,  
Special Subordinate Court-1, Salem.
2. The Section Officer,  
V.R.Section,  
High Court of Madras,  
Chennai.



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**R.KALAIMATHI, J.,**

ssn

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**22.10.2025**