



C.M.A.No.2975 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.2975 of 2025

and

C.M.P.No.25113 of 2025

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

... Appellant/Respondent

vs.

1.Senthamarai
2.Lakshmi

... Respondents/Petitioners

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 25.03.2025 made in M.C.O.P.No.376 of 2023 by the Motor Accident Claims Tribunal / Additional District Court, Kallakurichi.

For Appellant : Mr. D.Nitin

JUDGMENT

This Civil Miscellaneous Appeal has been preferred against the Award dated 25.03.2025 made in M.C.O.P.No.376 of 2023 by the Motor Accident Claims Tribunal/Additional District Court, Kallakurichi, as regards the negligence issue.



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

3. Case of the claimants is that when the deceased Sakthivel walking on the left side of the road along Kallakurichi-Thiyagadurugam main road, on that time, near Selvam TV center, the driver of the respondent/Corporation bus bearing Reg.No.TN-30-N-1638 came in a rash and negligent manner and dashed upon the deceased. Due to the said impact, he succumbed to the injuries. PW2 withstood the cross-examination effectively and no detail was elicited during his cross-examination against the deceased. RW1 is the driver of the respondent/Transport Corporation bus. FIR was registered against the driver of the respondent/Corporation Bus bearing Reg.No.TN-30-N-1638.

4. Though it was stated that the deceased was under the influence of alcohol, no such details was found in Ex.P2 post-mortem certificate. The Tribunal did not believe the evidence of RW1. In such view of the matter placing reliance upon the evidence of PW2 and RW1, fastening of liability on the respondent-Corporation bus by the Tribunal cannot be found fault with.



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5. Above being the position, this Civil Miscellaneous Appeal is rejected at the admission stage itself.

6. 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.22,71,400/- (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.376 of 2023 on the file of Motor Accident Claims Tribunal, Additional District Court, Kallakurichi, within a period of eight weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the respondents/claimants are at liberty to withdraw the compensation amount as apportioned by the Tribunal along with interest and costs, after adjusting the amount, if any already withdrawn, by filing cheque application before the Tribunal. The claimants are 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



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fee by the claimants. Consequently connected miscellaneous petition is closed.

22.10.2025

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

To:

1. The Motor Accident Claims Tribunal,
Additional District Court, Kallakurichi.
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.



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R.KALAIMATHI, J.,

ssn

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