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CMA No. 1370 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CMA No. 1370 of 2025

AND

CMP NO. 11701 OF 2025

The Managing Director
Metropolitan Transport Corporation,
Anna Salai, Pallavan House, Chennai.

Appellant

Vs

Nagammal

Respondent

PRAYER:- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to set aside the order dated 22-12-2022 passed in MCOP.No.170 of 2019 by the Motor Accident Claims Tribunal, Chief Judicial Magistrate Court Kancheepuram @ Chengalpet.

For Appellant: Mr. A.Vinothraj



JUDGMENT

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The appellant, who is the respondent in the claim petition in M.C.O.P.No.170 of 2019, challenging the award passed by the tribunal, preferred this Civil Miscellaneous Appeal.

2. Before the tribunal, the Claim Petition was filed by the respondent/claimant claiming compensation to the tune of Rs.20,00,000/- for the injuries sustained by her in a road accident took place on 04.07.2017. On hearing both sides, the tribunal passed an award for a sum of Rs.12,00,571/- . Against which, the Appellant Transport Corporation had preferred this Civil Miscellaneous Appeal.

3. The learned counsel for appellant would argue that the accident was happened due to the negligence of respondent/petitioner, who driven a two wheeler belong to her friend in a negligent manner and dashed against the bus and fell down, thereby she sustained injury, but no contributory negligence fixed on her side. Hence, he raised strong objections.

4. On perusal of award passed by the Tribunal, it reveals that on the side of appellant, R.W.1 was examined, however as per the F.I.R., Ex.B1, the complaint was lodged against the driver of the bus, but the accident was happened due to the rash and negligent driving of respondent/claimant at the time of accident. On the side of Appellant Transport corporation, driver has not



given any complaint as if the accident was happened due to the negligent driving of two wheeler by the respondent/claimant. Therefore, the tribunal has rightly fixed the liability upon the appellant Transport Corporation, since at the time of accident, driver of the bus has negligently hit the claimant's vehicle, due to which accident was happened. So, there is no contributory negligence on the side of appellant Transport Corporation before the Tribunal. Hence, the Tribunal had rightly fixed the negligence on the part of the driver of bus and awarded compensation, which needs no interference of this court. Furthermore, entire award amount has already been deposited by the Appellant Transport Corporation. Therefore, I do not find any merit to admit this Civil Miscellaneous Appeal and the same is liable to be dismissed. Accordingly, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

04-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Chief Judicial Magistrate Court,
Kancheepuram @ Chengalpattu.

2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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