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C.M.A.No.2590 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2025

CORAM:

THE HONOURABLE **Mrs. JUSTICE R.KALAIMATHI**

C.M.A.No.2590 of 2025

and

CMP.No.21787 of 2025

The Managing Director,
Tamil Nadu State Transport Corporation (VPM)Ltd.,
Villupuram, Sathuvachari,
Vellore District.

... Appellant/Respondent

vs.

Thouhith Khan

... Respondent/Petitioner

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, to set aside the Order and Decretal order dated 31.08.2023 passed in M.C.O.P.No.34 of 2022 on the file of the Motor Accident Claims Tribunal, (Special Subordinate Court) Thirupattur.

For Appellant : Mr.A.Vinothraj

JUDGMENT

This civil miscellaneous appeal has been preferred by the sole respondent against the award dated 31.8.2023 passed in MCOP.No..34



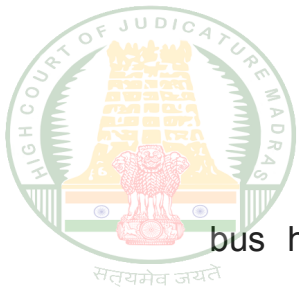
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of 2022 by the Motor Accident Claims Tribunal, Special Subordinate Court (to deal with the MCOP cases) Thiruppur on the negligence issue.

2. The parties are indicated herein as per their litigative status and ranking before the tribunal.

3. The claimant herein filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 claiming compensation of Rs.75,000 /- for the injuries sustained in the road accident that took place on 06.01.2022. The claimant has been examined as PW2 (common evidence recorded in OP.Nos.33 and 34 of 2022) .

4. The evidence of the claimant /PW2 would depose that on 06.01.2022 at about 12:50 p.m., while he was traveling in the State Transport Corporation bus bearing Registration Number TN 23-N-2248 from Tiruvannamalai to Thirupattur and when the bus was nearing Perampettu village, the driver drove the vehicle in a rash and negligent manner in order to avoid dashing with a two-wheeler, the driver applied brakes, and the passengers were thrown out of the bus. As a result of which, the claimant sustained injuries all over his body. This fact has been spoken out by the driver (RW1) would further state that in order to avoid hitting on a two wheeler, he applied brake, and as a result , the



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bus hit upon the tree and got damaged and therefore, he is not responsible for the accident.

5. In consideration of the evidence of the injured claimant and RW1, the Tribunal concluded that due to the rash and negligent driving of the driver of the TNSTC bus, the accident occurred, and liability was fastened on the respondent transport Corporation.

6. Upon consideration of the evidence, the Tribunal saddled the liability upon the respondent Transport Corporation and a sum of Rs.25,928/- was ordered as compensation payable by the appellant herein. The compensation granted by the Tribunal under the heads of Pain and suffering and medical expenses are given hereunder:

Sl. No.	Description	Amount awarded by Tribunal
1	For Pain and Suffering	Rs.25,000/-
2	For Medical Expenses	Rs. 928/-
	Total	Rs.25,928/-

7. The Tribunal, on proper appreciation of the oral and documentary evidence, has fastened liability on the respondent corporation, as it was vicariously liable to indemnify the injured person.



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8. This court does not find any infirmity or perversity in the findings of the order of the Tribunal. This court also does not find any good reason to upset the findings of the Tribunal.

9. In the result,

- (i) The Civil Miscellaneous Appeal stands dismissed.
- (i) Sequel to this, the Award dated 31.08.2023 passed by the Motor Accident Claims Tribunal, Special Subordinate Court, Thirupattur, in M.C.O.P.No.34 of 2022 stands confirmed
- (ii) The Appellant / Insurance Company is directed to deposit the award amount i.e., **Rs.25,928/-** (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 to the credit of M.C.O.P.No.34 of 2022 on the file of the Motor Accident Claims Tribunal, Special Subordinate Court, Thirupattur, within a period of eight weeks from the date of receipt of a copy of this Judgment.
- (iii) On such deposit being made, the respondent/claimant is at liberty to withdraw the same along with interest and costs by filing



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necessary application before the Tribunal. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

.10.09.2025

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

To:

The Motor Accident Claims Tribunal,
Special Subordinate, Thirupattur.



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R.KALAIMATHI, J.

kkd

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