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C.M.A.No.3656 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2025

CORAM

THE HON'BLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No.3656 of 2025
and C.M.P.No.30407 of 2025

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
No.12, Ramakrishna Road, Salem-7

... Appellant

Versus

1.T.Dharmalingam
2.D.Kavitha
3.S.Anand

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act,1988 against the order made in M.C.O.P.No.1051 of 2018, dated 02.06.2023, on the file of the Motor Accident Claims Tribunal, III Additional District Court, Coimbatore.

For Appellants : Mr.D.Nitin

For Respondents : Mr.B.Bharath Kumar
for Mr.V.Nicholas for R1 & R2



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JUDGMENT

This Civil Miscellaneous Appeal is directed as against the award of the Motor Accident Claims Tribunal, III Additional District Judge, Coimbatore, in M.C.O.P.No.1051 of 2018, dated 02.06.2023.

2. Briefly stated, accident took place on 08.10.2017, when the bus bearing Reg. No.TN 30 N 1009 dashed against the motor cycle bearing Reg. No. TN 38 CH 2022 driven by the deceased Ashwin adav. The bus was owned by the Tamil Nadu State Transport Corporation Limited. As a result of this accident, the deceased suffered serious head injury and multiple injuries all over his body and died on the spot. According to the claimants, the accident happened due to rash and negligent driving of the bus driver. The opposition to the claim is that, the deceased came in a high speed in a rash and negligent manner without following the traffic rules and regulations, tried to overtake a bus without noticing respondent bus coming in the opposite direction and hit the bus on the right side corner. Since the deceased himself invited the accident, the TNSTC is not liable to pay the compensation. However, the Tribunal erroneously fixed the liability on the Transport Corporation.



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WEB COPY 3.Through this appeal, findings of the claims Tribunal have been challenged by the respondent/Corporation. The claims Tribunal holds that the bus was being driven rashly and negligently and caused the accident.

4.The learned counsel for the Appellant / Corporation placing reliance on Ex.P.2 rough sketch would submit that the Tribunal blindly rejected Ex.P.2 rough sketch which clearly demonstrates that the accident took place in the middle of the road. Therefore, it is sufficiently proved that while the deceased tried to over take a vehicle which was proceeding in front of him without noticing the Corporation bus coming in the opposite direction and invited the accident. No doubt, a sketch prepared in the scene of occurrence can be relied upon as a piece of evidence, but it cannot be the sole determining factor for deciding negligence. It is considered along with other evidence to determine the circumstances of the accident based on a "preponderance of probability". Therefore, Ex.P.2 rough sketch is not a conclusive proof of the facts it depicts. Its accuracy depends on whether it is prepared by the investigating officer independently at the spot or based on information



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received from people, who may have been biased. The Tribunal evaluates the sketch's reliability in conjunction with other material evidence, such as eyewitnesses statements, expert testimony etc. Motor accident cases operate on a "preponderance of probability" standard, which is less strict than "proof beyond all reasonable doubt" required in criminal cases. This means that while the sketch is valuable, the overall evidence must tilt the probability of negligence one way or another.

5. On the side of the claimants, one Sampath kumar was examined as an eyewitness to the alleged accident. Nothing was elucidated by the respondent during the cross examination of the said witness to substantiate their claim. The bus driver, who could say otherwise, has not appeared as evidence. Therefore, it can be concluded that he had no defence against the allegation of rash and negligent driving of the bus. No other contra evidence was let in on the side of the appellant/ Corporation to rebut the contention put forth by the claimants. The FIR and the statement of the eyewitness was taken into consideration by the learned Tribunal to fix the liability on the driver of the offending bus. No perversity or infirmity found in the award passed by the learned MACT, which warrants interference.



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WEB COPY 6. In the result, civil miscellaneous appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

08.12.2025

vsn

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To:

1. The III Additional District Court,
The Motor Vehicle Accident Tribunal,
Coimbatore.
2. The Section Officer,
VR Section,
High Court, Madras.



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