



C.M.A.No.1000 of 2013

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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**DATED : 12.03.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**C.M.A.No.1000 of 2013**

Chelliah Servai

... Appellant

VS.

The Managing Director,  
The Tamil Nadu State Transport Corporation Division I,  
Trichy Trunk Road, 605 602.

Formerly, Thanthai Periyar Transportation  
Corporation Ltd., Villupuram.

... Respondent

**PRAYER:** Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the order dated 22.10.2002, made in M.A.C.T.O.P.No.107 of 1993 on the file of the Motor Accident Claims Tribunal-cum-I Additional Sub Court (Full Additional Charge), Villupuram.

For Appellant : M/s.R.Gouri

For Respondent : Mr.S.S.Santhosakumar  
Standing Counsel for TNSCTC

**J U D G M E N T**

This Civil Miscellaneous Appeal is filed challenging the order passed by the Motor Accident Claims Tribunal-cum-I Additional Sub Court (Full Additional Charge), Villupuram in M.A.C.T.O.P.No.107 of 1993, dated 22.10.2002, dismissing the petition filed by the appellant/claimant seeking



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compensation of Rs.2,00,000/- for the damage caused to his van by the bus bearing Registration No.TML 8895.

2. It is the case of the claimant that on 29.04.1991, the petitioner's driver was driving his Van bearing Registration No.TDT 5808 from Madras to Thirumangalam. When his vehicle was parked in the extreme left side of the road near Ulundurpet Railway Gate, the respondent's bus came in a rash and negligent manner and dashed against the parked Van. As a result of the accident, the vehicle of the petitioner was damaged. Therefore, the claim petition was filed seeking Rs.2,00,000/- as compensation for the damage caused to the vehicle.

3. The Respondent/Transport Corporation filed counter stating that the bus belonged to the respondent was driven by its driver by observing all traffic rules. When the bus was nearing Ulundurpet Railway Gate, the petitioner's driver, who was proceeding in front of the bus without giving any signal, suddenly applied brake and halted the vehicle. Though the respondent's bus driver applied sudden brake after noticing the sudden halt of the van, the respondent's bus came into contact with the van. Therefore,



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according to the respondent/Transport Corporation, the accident had occurred only due to the rash and negligent driving of the van driver.

4. Before the Tribunal, the claimant was examined as PW.1 and 8 documents were marked as Exs.P1 to P8 on his behalf. On behalf of the respondent-Corporation, no documentary evidence was let in.

5. The Tribunal dismissed the claim petition on the ground that appellant/claimant failed to establish ownership over the damaged vehicle. Aggrieved by the same, the claimant has come before this Court.

6. The learned counsel appearing for the appellant/claimant would submit that in order to prove the ownership over the vehicle, the appellant has produced Ex.P8-Sale Agreement with erstwhile owner of the vehicle namely Samsunshapudheen. The said document had not been properly taken into consideration by the Tribunal.

7. It is seen from the records, the Registration Certificate of the Vehicle still stands in the name of the alleged erstwhile owner and the xerox



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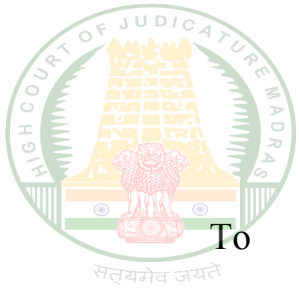
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copy of the same has been marked as Ex.P7. It is pertinent to note the appellant has not produced original RC Book before the Tribunal. The alleged Sale Agreement marked as Ex.P8 will not advance the case of the appellant in the absence of original Registration Certificate. In order to substantiate the purchase of the Van by the appellant, the appellant has not examined any independent witnesses. Even the erstwhile owner, who allegedly sold the vehicle has also not been examined. In these circumstances, the Tribunal rightly examined Ex.P8 and came to the conclusion that the appellant failed to prove the ownership over the Van and dismissed the claim petition and I do not find any error in the order passed by the Tribunal.

8. Accordingly, the Civil Miscellaneous Appeal stands dismissed. No costs.

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Index :Yes / No  
Speaking order :Yes / No  
Neutral Citation :Yes / No  
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To

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- 1.The Motor Accident Claims Tribunal-cum-I Additional Sub Court  
(Full Additional Charge), Villupuram.
- 2.The Managing Director,  
The Tamil Nadu State Transport Corporation Division I,  
Trichy Trunk Road, 605 602.  
Formerly, Thanthai Periyar Transportation  
Corporation Ltd., Villupuram.
- 3.The Section Officer,  
VR Section,  
High Court, Madras.



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**S.SOUNTHAR, J.**

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