



C.M.A. (MD) No. 740 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2025

CORAM:

THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN

C.M.A.(MD)No.740 of 2025
and
C.M.P.(MD)No.11635 of 2025

The Tamil Nadu State Transport Corporation Ltd.,
Bye pass Road,
Madurai 625016,
through its Managing Director

... Appellant/
Respondent

Vs.

1.Jeya

2.Elangovan

3.Suganya

4.Vengadesh

Subbiah (Died)

5.Kasiammal

... Respondents/
Petitioners

Prayer : This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, to set aside the judgment and decree dated 16.11.2018 passed in M.C.O.P.No.5 of 2014 on the file of the Motor Accident Claims Tribunal (Special District Judge), Madurai.



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For Appellant : Mr.K.Sudalaiyandi

JUDGMENT

The Civil Miscellaneous Appeal has been preferred by the Transport Corporation against the award dated 16.11.2018 passed in M.C.O.P.No.05 of 2014 by the Motor Accidents Claims Tribunal / Special District Judge, Madurai.

2. The appellant / Transport Corporation, who was mulcted with the liability to pay a compensation of Rs.8,75,127/- (Rupees Eight Lakhs Seventy Five Thousand One Hundred and Twenty Seven only) being the 75% of the compensation awarded with interest at 7.5% per annum to the respondents / claimants, for the death of one Selvam, consequent to an accident occurred on 15.02.2013, challenged the liability fastened on it.

3. The facts of the case are as follows :-

On 15.02.2013 at about 08.20 p.m., when the deceased Selvam was riding his two wheeler bearing Registration No.TN-60-1714 with his friend Deivandran as a pillion rider in Alaganallor Palamedu main road on



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the left side of the road from South to North direction, a Government bus bearing Registration No. TN-58-N-1837, came in the opposite direction in a rash and negligent manner without following traffic rules and dashed against the two wheeler and as a result, the deceased Selvam sustained grievous injuries all over his body and he was immediately taken to Madurai Government Rajaji Hospital and was taking inpatient treatment and that despite treatment, he succumbed to the injuries on 20.02.2013. Then the claim petition was filed by the respondents seeking compensation of Rs.14,00,000/-.

4. The defence of the appellant in the claim petition is that the age, avocation, income and the manner of the accident of the respondents are disputable. The rider of the two wheeler did not wear helmet and he was not possessing valid driving license. The claim of compensation is excessive and exorbitant.

5. The respondents to prove their case examined 2 witnesses as P.W.1 and P.W.2 and marked 4 documents as Ex.P.1 to Ex.P.4. On the side of the appellant, 1 witness was examined as R.W.1 and not adduced any



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documentary evidence.

6. The learned trial Judge, after considering the evidence, both oral and documentary, passed the impugned award dated 16.11.2018, holding that the appellant's bus driver was responsible for the accident and also holding that the deceased did not wear helmet and was not possessing valid driving licence at the time of accident, and fixed the contributory negligence at 25% and directed the appellant to pay compensation of Rs. 8,75,127/- with interest and costs. Aggrieved by the impugned award, the Transport Corporation has preferred the present appeal.

7. It is pertinent to note that the accident and the involvement of the two wheeler bearing Registration No.TN-60-1714 and the bus bearing Registration No.TN-58-N-1837 are not in dispute, but the only dispute is as to who was responsible for the accident or both of them are equally responsible for the accident.

8. The learned counsel appearing for the appellant would submit that the learned trial Judge, without properly considering the evidence of



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D.W.1 driver of the appellant's bus, fixed the entire negligence on them, that the deceased did not wear helmet and also drove the two wheeler without valid driving license and that the Tribunal should have deducted 50% of the award amount from the total compensation, going by the contributory negligence on the part of the deceased.

9. It is seen that D.W.1 (bus driver) in his evidence deposed that while the bus had been parked, the two wheeler rider dashed against the bus. It is not in dispute that the accident happened during night hours and it was a one-way road. There is no material or evidence on behalf of the appellant to show that the bus was parked, off the main road without any hindrance to the free flow of traffic. In the absence of the danger light and due to the dazzling light from oncoming vehicle, it is apparent that the driver of the two wheeler would not have noticed the parked bus and therefore, he did not have the time to respond and reduce the speed so as to avoid the accident. Hence, finding of the learned trial Judge that the bus driver was responsible for the accident cannot be found fault with. Further, the finding of the Tribunal fixing 25% contributory negligence on the deceased for not wearing helmet and not holding valid license is also



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justified. Consequently, this Court concludes that the appeal is devoid of merits and the same is liable to be dismissed.

10. In the result, the Civil Miscellaneous Appeal is dismissed. The appellant is directed to deposit the 75% of the compensation amount as awarded by the Tribunal with interest and costs from the date of petition till the date of realization excluding the default period, if any, to the credit of M.C.O.P.No.05 of 2014 on the file of the Motor Accident Claims Tribunal / Special District Court, Madurai, after deducting the amount already deposited if any, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, the respondents / claimants are permitted to withdraw the award amount as per the apportionment fixed by the Tribunal with accrued interest and costs, less amount already withdrawn, if any, on due application before the Tribunal. Consequently, connected miscellaneous petition is closed. No costs.

30.07.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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To:

1. The Special District Judge,
Motor Accident Claims Tribunal,
Madurai.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN,J.

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Judgment made in
C.M.A.(MD)No.740 of 2025
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