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CMA(MD).Nos.1347 and 1348 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13-11-2025**

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THE HONOURABLE MS.JUSTICE R. POORNIMA

CMA(MD) Nos. 1347 and 1348 of 2025 and

CMP(MD).Nos. 18279 and 18276 of 2025

The Managing Director,
Tamil Nadu State Corporation Ltd.,
Regional Office,
Maruthapathy Nagar,
Kovilur Road,
Karaikudi, Sivagangai.

Appellant in both Appeals

Vs

Nawsath

Respondent in CMA(MD).No.1347 of 2025

Asraf Ali

Respondent in CMA(MD).No.1348 of 2025

Prayer: Civil Miscellaneous Appeals filed under Section 173 of Motor Vehicles Act against the Award passed in MCOP.Nos.1421 and 1745 of 2022, dated 13.11.2024 on the file of the Motor Accident Claims Tribunal cum Special Subordinate Court, Madurai.

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For appellant in both appeals : Mr. S. Micheal Heldon Kumar

For respondent in both Appeals : Mr.C. Godwin

COMMON JUDGMENT

These Civil Miscellaneous Appeals have been filed by the appellant / Transport Corporation against the Award, dated 13.11.2024 passed in MCOP.Nos. 1421 and 1745 of 2022 on the file of the Motor Accident Claims Tribunal cum Special Subordinate Court, Madurai.

2. For the sake of convenience the rank of the parties referred as per the Award passed in the Tribunal.

(i) The case of the petitioners in CMA(MD).No.1347 of 2025 is that the petitioner was working as owner – cum – driver of TATA Ace Vehicle and earning a sum of Rs.30,000/- per month. On 24.09.2021 he was taken the Tata Ace Mini Lorry bearing Regn.No. TN 59 AU 2023 from East to West in the Madurai to Sivagangai National Highways and at that time, the bus belonging to the



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respondent / respondent Transport Corporation bearing Regn. No.TN 63 N 1833 driven by its driver in a rash and negligent manner and on the wrong side and dashed against the vehicle driven by the claimant and due to the above front side of the vehicle was damaged and the claimant also sustained borne injuries on his hand and also in right leg. He was taken to treatment in Government Rajaji Hospita, Madurai as inpatient. The case was filed in Crime No.194 of 2021 for offence under Sections 279 and 337 IPC against the driver of the offending vehicle and claimed a sum of Rs.10,00,000/- as compensation in MCOP.No.1421 of 2022. MCOP.No.1745 of 2022 was filed by the loadman, who has also injured in the same accident and he has also claimed a sum of Rs.10,00,000/- as compensation. After hearing both sides, the respondent / appellant denied the entire averments contended in the petition by stating that the claimant vehicle alone was driven by the first respondent in a rash and negligent manner and he tried to stop the vehicle but the Tata Ace vehicle last his control and dashed against the vehicle and therefore, liable to pay compensation.

3. On the side of the petitioner before the Tribunal PW1 to PW.3 were examined and Exs.P1 to P22 were marked. On the side of the respondent RW.1 -



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driver of the bus was examined and Exs.R1 and R2 were marked. After hearing both parties the Tribunal allowed the claim petition and directed the Transport Corporation / appellant to pay a sum of Rs.1,82,000/- to the driver Rs.1,06,400/- for the loadman.

4. Against which the present Civil Miscellaneous Appeals have been filed by the appellant / Transport Corporation challenging negligence and loss of income. During the Cross examination, the driver of the bus clearly admitted that the First Information Report was filed against him and charge sheet also filed against him.

5. The learned counsel appearing for the appellant / Transport Corporation submitted that while the bus was proceeding from Madurai to Thondi road and while nearing Varichoor, the Tata Ace vehicle without following traffic regulation and in a negligent manner came in a opposite direction and hit on the front side of the bus and invited the accident. He further submitted that three persons have travelled in the Tata Ace Vehicle which is violation as per the Motor Vehicles Act but, the learned Judge, Motor Accidents Claims Tribunal fixed the negligence



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towards the driver of the appellant's vehicle. Thus, he prayed for dismissal of these appeals.

6. Heard the learned counsel appearing for on either side and perused the materials available on record.

7. From the pleadings and evidence it is seen that the Tribunal has rightly come to the conclusion that the accident took place only due to rash and negligent driving, by the driver of the bus belonging to the appellant / Transport Corporation. In view of this fact, I am not inclined to interfere with the finding of Tribunal, that the accident took place only due to rash and negligent driving by the driver of the bus belonging to the appellant / Transport Corporation.

8. As far as the quantum of compensation is concerned, based on the medical records, the Tribunal has awarded the compensation. Further, the amount awarded by the Tribunal is very meagre and has been arrived at in accordance with the guidelines laid down by the Hon'ble Supreme Court as well as the provisions of the Motor Vehicles Act. The compensation awarded is just and



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reasonable.

9. In the result, these Civil Miscellaneous Appeals are dismissed. No costs.
Consequently, connected Miscellaneous Petitions are closed.

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To

1. The the Motor Accident Claims Tribunal cum Special Subordinate Court,
Madurai.
2. The Section Officer, VR Section, High Court, Madurai.



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R. POORNIMA, J.

Trp

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