



C.M.A(MD)No.885 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATE : 26.08.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)No.885 of 2025

and

C.M.P(MD)No.13732 of 2025

Tamil Nadu Transport Corporation,
(Kumbakonam Division) Karaikudi Region,
Rep. by its Managing Director,
Kumbakonam.

: Appellant

Vs.

1.Samboorna Mary
2.George Senguttuven
3.Gunasekaran

: Respondents

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, to set aside the judgment and decree, dated 21.02.2025 passed in M.C.O.P.No.44 of 2023 on the file of the Motor Accident Claims Tribunal cum Chief Judicial Magistrate, Karur.

For Appellant : Mr.S.Micheal Heldon Kumar

J U D G M E N T

The Civil Miscellaneous Appeal is directed against the award passed in M.C.O.P.No.44 of 2023, dated 21.02.2025 on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate, Karur.



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WEB COPY 2. The Appellant/Transport Corporation, who was mulcted with liability to pay compensation of Rs.2,80,000/- with interest and costs to the first respondent/claimant for the disability sustained consequent to an accident occurred on 12.12.2022, challenging the liability mulcted on it.

3. The case of the claimant is that on 12.12.2022, the petitioner and her daughter-in-law were travelling in a TNSTC bus bearing Reg.No.TN-63-N-1653 from Pallapatti to Aravakurichi and at about 08.45 pm., when the bus was stopped at the bus stop near Aravakurichi Taluk Office, the claimant and her daughter-in-law were alighting from the bus, before that the driver has started the bus and as a result of which, the claimant fell down and sustained grievous injuries and that the accident was occurred only due to the rash and negligent driving of the bus driver.

4. The defence of the appellant/corporation is that when the bus was approaching near Aravakurichi Taluk Office bus stop, the driver has applied the brake and slowed down the bus; that before stopping the bus, the claimant attempted to alight from the bus and as a result of which, she fell down and as such, the petitioner had contributed to the accident.



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WEB COPY 5. During enquiry, the claimant examined herself as P.W.1 and exhibited seven documents as Ex.P.1 to Ex.P.7. The appellant/Transport Corporation examined its driver as R.W.1 and adduced no documentary evidence. The disability certificate issued by the Medical Board came to be exhibited as Ex.C.1.

6. The learned trial Judge, upon considering the pleadings and the evidence both oral and documentary and on hearing the arguments of both the sides, passed the impugned award, dated 21.02.2025 holding that the bus driver was responsible for the accident, directed the appellant to pay compensation of Rs.2,80,000- with interest and cost. Aggrieved by the impugned award, the appellant has preferred the present appeal.

7.The learned counsel for the appellant would reiterate the Transport Corporation's stand, claiming the accident occurred when the claimant attempted to alight before the bus halted. However, the trial Judge correctly observed that the driver started the bus while the claimant was alighting, causing her to fall and sustain injuries.



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WEB COPY 8. Considering the evidence available on records, the Tribunal has rightly come to the decision that the bus driver alone was responsible for the accident and the claimant was not at all fault. The appellant has not disputed the quantum of compensation arrived at by the tribunal. Considering the above, this Court decides that the appeal is devoid of merits and the same is liable to be dismissed. Considering the other facts, this Court further decides that the parties are to be directed to bear their own costs.

9. In the result, this Civil Miscellaneous Appeal is dismissed and the award dated 21.02.2025, made in M.C.O.P.No.44 of 2023 on the file of the Motor Accident Claims Tribunal cum Chief Judicial Magistrate, Karur, is confirmed. Parties are directed to bear their own costs. Consequently connected Miscellaneous Petition is closed.

26.08.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
das



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To

- 1.The Motor Accident Claims Tribunal cum
Chief Judicial Magistrate,Karur.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

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