



CMA(MD)No.1002 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 23.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CMA(MD)No.1002 of 2025
and
CMP(MD)No.15134 of 2025

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Kumbakonam Division-II,
Periyamilaguparai, Trichy.

...Appellant

vs.

Shanmugam

... Respondent

Prayer : Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment passed in MCOP.No.488 of 2024 dated 07.04.2025 on the file of the Motor Accident Claims Tribunal cum Special Subordinate Judge, Tiruchirappalli.

For Appellant : Mr.S.Micheal Heldon Kumar
For Respondent : Mr.N.Sudhagar Nagaraj



CMA(MD)No.1002 of 2025

J U D G M E N T

(Judgment of the Court was made by **P.VELMURUAN, J.**)

WEB COPY

This Civil Miscellaneous Appeal has been filed against the judgment passed in MCOP.No.488 of 2024 dated 07.04.2025 on the file of the Motor Accident Claims Tribunal cum Special Subordinate Judge, Tiruchirappalli.

2. The facts of the case are that on 22.12.2022, at about 11.30 a.m., when the respondent/claimant was riding a two wheeler bearing registration No.TN-91-K-2958 along with his two friends as pillions on Periya Anaikarapatti to Mahovanur main road near Easwaran Kovil field, a bus bearing registration No.TN-045-N-2796 belonging to the appellant corporation, came in the opposite direction in a rash and negligent manner and without any signal, the driver of the bus drove the same to the extreme right side of the road, dashed against the respondent's two wheeler. Due to the said impact, the respondent fell down and sustained grievous injuries, comminuted fracture supracondylar femur fracture and fracture PPx right little finger. Initially, he was admitted in Malar Hospital, Manapparai, between



CMA(MD)No.1002 of 2025

22.12.2022 and 02.01.2023 and later he was referred to Ganga Medical Center, Coimbatore, wherein, he took treatment as inpatient from 03.01.2023 to 27.01.2023. During the course of treatment, his right leg above knee was amputated. For the injuries sustained in the accident, the respondent filed MCOP.No.488 of 2024 before the Motor Accident Claims Tribunal cum Special Subordinate Judge, Tiruchirappalli, claiming compensation of Rs.60,00,000/-. The appellant corporation filed counter affidavit contending that despite the driver of the bus on seeing the oncoming two wheeler at a hectic speed, blew horn and cautioned the respondent, the respondent was least bothered about the bus which was coming in his front and while crossing the bent road, he lost balance of the two wheeler, fell down and sustained injuries. Therefore, it is only the respondent who caused the accident and there was no negligence on the part of the appellant's bus driver.

3. Before the Tribunal, the respondent/claimant was examined as PW1 and 13 documents were marked as Exs.P1 to P13. On the side of the appellant, no oral and documentary evidence was let in. Considering the oral and documentary evidence, the Tribunal held that



CMA(MD)No.1002 of 2025

the accident had occurred due to the rash and negligent driving of the driver of the appellant corporation bus and awarded compensation of Rs.48,45,830/- with 7.5% interest per annum from the date of petition till the date of deposit. Aggrieved by the finding of the Tribunal fixing negligence on the driver of the bus, the appellant transport corporation has filed this appeal.

4. The learned counsel for the appellant would submit that three persons travelled in the two wheeler which is meant for travelling with two persons only and due to that, the respondent lost balance of his vehicle, dashed against the bus and caused the accident. Even in the claim petition itself, the respondent has admitted the factum of travelling by three persons in the two wheeler and therefore, the claimant has also contributed to the accident. However, the Tribunal failed to consider either the admission made by the claimant in the claim petition or the suggestion made in the cross examination and further, the respondent has also not produced the registration certificate of the two wheeler. Hence, the Tribunal ought to have fixed contributory negligence. Thus, he would pray for setting aside the finding regarding negligence.



WEB COPY 5.

The learned counsel for the respondent/claimant would submit that there is no material to show that due to travelling by three persons, the respondent/rider of the two wheeler lost balance and thereby the accident took place. The learned counsel would further submit that considering the overall evidence, the Tribunal has rightly held that the rash and negligent driving of the driver of the bus caused the accident and further, there is no material to show that the claimant also contributed his negligence, due to that, he sustained injuries. Thus, he would pray for dismissal of the appeal.

6. Heard both sides and perused the records.

7. The accident is admitted and the liability is also admitted. The only dispute is that the claimant also contributed his negligence since at the time of accident three persons travelled in the two wheeler which resulted in losing of balance of the vehicle and the consequent accident. Reading of the claim petition shows that there is a clear admission by the claimant himself that at the time of accident three



CMA(MD)No.1002 of 2025

persons travelled in the two wheeler driven by him. However, on seeing the rough sketch, the scene of occurrence is only on the left side of the road and since because three persons travelled that is not the sole ground for causing the accident. Therefore, in the absence of the materials, no liability can be fixed for contributory negligence. There is no evidence to show that the rider of the two wheeler also contributed his negligence for the accident and further no oral and documentary evidence was let in by the appellant to disprove the version of the claimant regarding the manner of accident. When there is no rebuttal evidence adduced by the appellant, the appreciation of evidence by the Tribunal cannot be said to be perverse. Hence, this Court finds no reason to interfere with the finding of the Tribunal regarding negligence and the said finding is confirmed. The appellant has not disputed the quantum of compensation and therefore, this Court is not inclined to interfere with the award passed by the Tribunal.

8. The appellant is directed to deposit the entire award amount along with interest and costs as awarded by the Tribunal, less the amount already deposited, if any, to the credit of the claim petition



CMA(MD)No.1002 of 2025

within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit, the respondent/claimant is permitted to withdraw the same by filing appropriate application before the Tribunal.

9. In the result, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[P.V, J.] [L.V.G, J.]
23.10.2025

Index : Yes / No
Internet : Yes / No
bala

To

The Judge,
Motor Accident Claims Tribunal cum
Special Subordinate Judge,
Tiruchirappalli.



WEB COPY



CMA(MD)No.1002 of 2025

P.VELMURUGAN, J.
AND
L.VICTORIA GOWRI, J.

bala

JUDGMENT MADE IN
CMA(MD)No.1002 of 2025

DATED : 23.10.2025