



C.M.A. (MD) No. 544 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 24.06.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.M.A.(MD)No.544 of 2025

and

C.M.P.(MD)No.9265 of 2025

1.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Nagercoil.

2.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Tirunelveli.

... Appellants/
Respondents

Vs.

1.Velayutham

2.Raju

... Respondents/
Petitioners

Prayer : This Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the award passed in M.C.O.P.No.1091 of 2021 dated 24.01.2024 on the file of the Motor Accident Claims Tribunal cum IV Additional District Court, Tirunelveli.



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For Appellants : Mr.S.Micheal Heldon Kumar

For Respondents : Mr.K.Mahendra Prabhu

JUDGMENT

The Civil Miscellaneous Appeal is directed against the award passed in M.C.O.P.No.1091 of 2021 dated 24.01.2024 on the file of the Motor Accident Claims Tribunal/IV Additional District Court, Tirunelveli.

2. The appellants/Transport Corporation, who were made liable to pay compensation of Rs.14,96,000/- (Rupees Fourteen Lakhs and Ninety Six Thousand only) jointly and severally with interest at 7.5% per annum and costs to the respondents/claimants for the death of one Venugopal, consequent to an accident occurred on 08.04.2021, challenged the liability fixed on them.

3. The case of the respondents/claimants is that on 08.04.2021 at about 09.45 p.m., when the said Venugopal was travelling in a two wheeler bearing Registration No.TN-75-3621 near Eraniel Kattadi Mukku Nagendran hotel on the left side of the road, a bus bearing Registration



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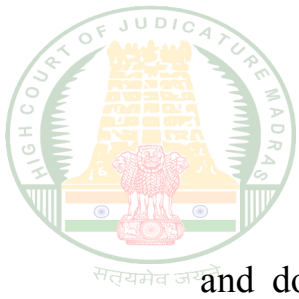
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No.TN-72-N-1786 belonging to the appellants' Transport Corporation, which came in the opposite direction in a rash and negligent manner, dashed against the two wheeler and as a result of which, the two wheeler rider Venugopal was thrown out and sustained injuries and died on the spot itself and that the accident was occurred only due to the rash and negligent driving of the bus driver.

4. The defence of the appellants/Transport Corporation is that the deceased Venugopal was alone responsible for the accident and that since the deceased Venugopal had crossed the road without noticing the vehicle, the accident had occurred.

5. During trial, the respondents/claimants have examined the first respondent/first claimant as P.W.1 and one occurrence witness Mahesh as P.W.2 and exhibited 9 documents as Ex.P.1 to Ex.P.9. The appellants/Transport Corporation have adduced neither oral nor documentary evidence.

6. The learned trial Judge, upon considering the evidence, both oral



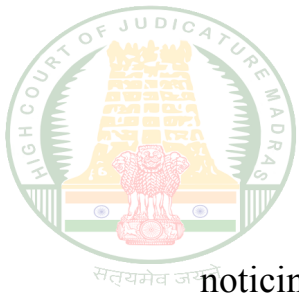
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and documentary and on hearing the arguments of both the sides, has passed the impugned award dated 24.01.2024 holding that the accident was occurred only due to the rash and negligent driving of the bus driver, directed the appellants/Transport Corporation to pay compensation of Rs.14,96,000/- (Rupees Fourteen Lakhs and Ninety Six Thousand only) jointly and severally with interest and costs. Aggrieved by the impugned award, the Transport Corporation has preferred the present appeal.

7. The learned counsel appearing for the appellants/Transport Corporation would submit that they are not disputing the quantum of compensation awarded at, by the Tribunal.

8. The learned counsel appearing for the appellants/Transport Corporation would submit that they are only challenging the negligence aspects. As already pointed out, according to the respondents/claimants, when the deceased Venugopal was travelling in a two wheeler, the bus, which came in the opposite direction, in a rash and negligent manner dashed against him. Though the appellants/Transport Corporation have taken a stand that the deceased Venugopal had crossed the road without



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noticing the vehicle, they have not adduced any iota of evidence to substantiate the same and they have neither examined the driver nor the conductor of the bus. There is absolutely no contra evidence with regard to the mode of the accident.

9. Considering the above, the Tribunal has rightly come to a decision that the bus driver was responsible for the accident and as such, the impugned award cannot be found fault with. Hence, this Court concludes that the appeal is devoid of merits and the same is liable to be dismissed. Considering the other facts and circumstances, this Court, further decides that the parties are to be directed to bear their own costs.

10. In the result, this Civil Miscellaneous Appeal stands dismissed. The appellants/Transport Corporation are directed to deposit the award amount together with interest at 7.5% per annum and costs from the date of petition till realization jointly and severally to the credit of M.C.O.P.No. 1091 of 2021 on the file of the Motor Accident Claims Tribunal / IV Additional District Court, Tirunelveli, after deducting the amount already deposited if any, within a period of four weeks from the date of receipt of



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a copy of this judgment. On such deposit being made, the respondents/
claimants are permitted to withdraw their respective shares with interest
and costs, less any amount already withdrawn, by filing suitable
application before the Tribunal. Parties are directed to bear their own
costs. Consequently, connected Miscellaneous Petition is closed.

24.06.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
csm

To:

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



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K.MURALI SHANKAR,J.

csn

Order made in
C.M.A.(MD)No.544 of 2025
and
C.M.P.(MD)No.9265 of 2025

Dated : 24.06.2025