



C.M.A(MD)No.875 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 26.08.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)No.875 of 2025

and

C.M.P(MD)No.13587 of 2025

The Managing Director,
Tamil Nadu Transport Corporation,
PillaiThaneerPanthal Thirumayam Main Road,
Pudukkottai.

: Appellant

Vs.

Abudul Ajis

:Respondent

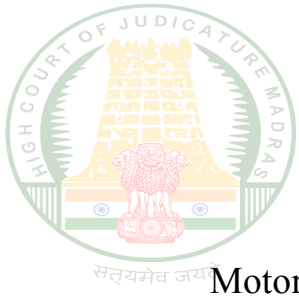
PRAYER:- Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree, dated 10.10.2024, in M.C.O.P.No.141 of 2016, on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate Court, Pudukottai.

For Appellant : Mr.S.Micheal Heldon Kumar

For Respondents : Mrs.A.Banumathy

JUDGMENT

The Civil Miscellaneous Appeal is directed against the award passed in M.C.O.P.No.141 of 2016, dated 18.10.2024, on the file of the



C.M.A(MD)No.875 of 2025

WEB COPY

Motor Accident Claims Tribunal/Chief Judicial Magistrate Court,
Pudukottai.

2.The appellant/Transport Corporation, who was mulcted with liability to pay compensation of Rs.4,10,000/- with interest at 7.5% per annum to the respondent/claimant for the disability sustained by him, consequent to an accident occurred on 18.04.2016, challenged the liability fastened on it.

3.The case of the claimant is that on 18.04.2016 at about 04.30 am, the claimant was proceeding in his ambassador car bearing Registration No.TN-51-D-4316 from Kattumavadi – Manamelkudi, ECR road and at the place near Manamelkudi DSF (Eral Factory), a bus bearing Registration No.TN-55-N-0407, which was proceeding in the same direction, the bus driver suddenly without any indication or signal stopped the bus and the claimant, who was driving his vehicle behind the bus, with no other option had dashed against the bus and that therefore, the accident was occurred only due to the rash and negligent driving of the bus driver.



C.M.A(MD)No.875 of 2025

WEB COPY

4.The defence of the Transport Corporation is that the driver had taken the trip on 18.04.2016 from Manamelkudi towards Avudaiyarkovil and at the place near Manamelkudi DSF (Eral Factory), he stopped the bus and allowed the passengers to get down, a car bearing Registration No.TN-51-D-4316, which was driven in a rash and negligent manner and without keeping sufficient distance between the vehicles had dashed against the stopped bus and caused the accident and that therefore, the bus driver was not at all fault and the claimant alone was responsible for the accident.

5. During trial, the claimant examined himself as P.W.1 and and exhibited 7 documents as Ex.P.1 to Ex.P.7. The appellant/Transport Corporation examined two witness as R.W.1 and R.W.2 and exhibited one document as Ex.R.1. Disability certificate has been marked as Ex.C.1.

6.The learned trail Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, has passed the impugned award, dated 18.10.2024, holding that the bus driver as well as the car driver/claimant were responsible for the accident



C.M.A(MD)No.875 of 2025

WEB COPY

and fixed the contributory negligence at 70% and 30% respectively and also directed the appellant/corporation to pay compensation of Rs.4,10,000/- with interest and costs. Aggrieved by the impugned award, the appellant/Transport Corporation has preferred the present appeal.

7. The learned counsel for the appellant would submit that the car driver has not maintained proper distance behind the bus and if he had driven slowly and maintained distance, he could have avoided the accident and that since the accident was occurred only due to the rash and negligent driving of the car driver and FIR was registered against the car driver, the Tribunal, without considering the above aspects, has attributed 70% of the negligence on the part of the bus driver and that therefore, the same is liable to be interfered.

8. It is evident from the pleadings and the evidence available on record that when the claimant was proceeding in his car from Kattumavadi to Manamelkudi, ECR road, the bus belonging to the respondent/Corporation, which was proceeding in the same direction had come to halt without giving any prior signal and that the claimant, who had driven the car without keeping sufficient distance between the vehicles and unable to control his vehicle had dashed against the bus.



C.M.A(MD)No.875 of 2025

WEB COPY

9.As rightly contended by the learned counsel for the appellant, considering the evidence available on record and taking note of the mode of accident, this Court is of the clear view that both the bus driver as well as the car driver are equally responsible for the accident. However, the Tribunal, without considering the above aspect in proper perspective, erred in fixing contributory negligence at 70% on the bus driver and only 30% on the claimant/car driver. Therefore, this Court apportions contributory negligence equally at 50% each.

10.The learned counsel for the appellant would submit that they are not challenging the quantum of compensation.

11. Considering the above, this Court concludes that the claimant is entitled to get compensation at Rs.2,93,000/- (rounded off) (Rs.5,85,000/- - 50% = Rs.2,92,500). Considering the other facts and circumstances, this Court further decides that the parties are to be directed to bear their own costs and the above point is answered accordingly.



C.M.A(MD)No.875 of 2025

WEB COPY

12. In the result, the Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the tribunal is reduced from **Rs.4,10,000/-** to **Rs.2,93,000/-** The Appellant/Transport Corporation is directed to deposit the modified amount with interest at 7.5% per annum, within a period of four weeks from the date of receipt of a copy of this judgment, if not already deposited. The appellant is also permitted to withdraw the excess amount, if any. On such deposit, the claimant is permitted to withdraw the award amount with accrued interest and costs, less amount already withdrawn, if any, on due application before the Tribunal. 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



C.M.A(MD)No.875 of 2025

WEB COPY

To

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



WEB COPY



C.M.A(MD)No.875 of 2025

K.MURALI SHANKAR,J.

das

C.M.A(MD)No.875 of 2025
and
C.M.P(MD)No.13587 of 2025

26.08.2025