



C.M.A(MD)Nos.866 to 868 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 26.08.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)Nos.866 to 868 of 2025

and

C.M.P.(MD)Nos.13502, 13503 and 13504 of 2025

C.M.A.(MD)No.866 of 2025:

The Branch Manager,
Tamil Nadu Transport Corporation Ltd.,
Pillai Thanneer Panthal,
Thirumayam Road,
Pudukkottai District.

: Appellant/1st Respondent

Vs.

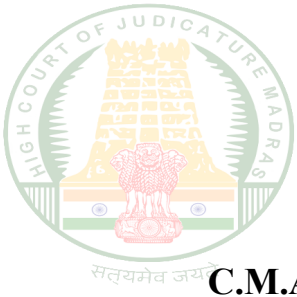
1.Manjula

: 1st Respondent/Petitioner

2.D.Nagarajan

: 2nd Respondent/2nd Respondent

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act,1988 against the Judgment and Decree passed in M.C.O.P.No.495 of 2019, dated 03.10.2024, on the file of the Motor Accident Claims Tribunal / Additional District Court, Pudukottai.



C.M.A(MD)Nos.866 to 868 of 2025

C.M.A.(MD)No.867 of 2025:

WEB COPY

The Branch Manager,
Tamil Nadu Transport Corporation Ltd.,
Pillai Thanneer Panthal,
Thirumayam Road,
Pudukkottai District.

: Appellant/1st Respondent

Vs.

1.Rajeswari

: 1st Respondent/Petitioner

2.D.Nagarajan

: 2nd Respondent/2nd Respondent

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act,1988 against the Judgment and Decree passed in M.C.O.P.No.537 of 2019, dated 03.10.2024, on the file of the Motor Accident Claims Tribunal / Additional District Court, Pudukottai.

C.M.A.(MD)No.868 of 2025:

The Branch Manager,
Tamil Nadu Transport Corporation Ltd.,
Pillai Thanneer Panthal,
Thirumayam Road,
Pudukkottai District.

: Appellant/1st Respondent

Vs.

1.Lakshmi

: 1st Respondent/Petitioner

2.D.Nagarajan

: 2nd Respondent/2nd Respondent



C.M.A(MD)Nos.866 to 868 of 2025

WEB COPY

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act,1988 against the Judgment and Decree passed in M.C.O.P.No.323 of 2019, dated 03.10.2024, on the file of the Motor Accident Claims Tribunal / Additional District Court, Pudukottai.

For Appellant
in all cases : Mr.S.Micheal Heldon Kumar

For Respondents
in all cases :Mrs.A.Banumathi
for R.1

COMMON JUDGMENT

These Civil Miscellaneous Appeals are directed against the common order made in M.C.O.P.Nos.495 of 2019, 537 of 2019 and 323 of 2020, dated 03.10.2024, on the file of the Motor Accident Claims Tribunal / Additional District Court, Pudukkottai.

2. The appellant / Transport Corporation who was mulcted with liability to pay compensation for the disability suffered by the claimants consequent to an accident occurred on 02.04.2019, challenged the contributory negligence fixed at 50% on it.



C.M.A(MD)Nos.866 to 868 of 2025

WEB COPY

3. The case of the claimants is that on 02.04.2019, the claimants while returning in a Mahendra Maxi Truck four wheeler, bearing Registration No.TN-55-T-4622, after completing their agricultural work from Pudukottai to Ponnamaravathi, a bus bearing Registration No.TN-55-N-0882 belonging to the appellant Transport Corporation which came in a rash and negligent manner from west to east, dashed against the Mahendra Maxi Truck vehicle and as a result of which, the claimants and others had sustained 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 Transport Corporation is that their driver had taken the trip from Ponnamaravathi towards Pudukkottai in the bus bearing Registration No. TN-55-N-0882 at 2.45p.m., and when the bus was proceeding in Ponnamaravathi to Pudukkottai road near Keelapatty Idaiyapatty, a Mahindra Maxi Truck load vehicle came in a rash and negligent manner and on noticing that the said vehicle was proceeding on the right side of the road, the bus driver applied break and stopped the bus on the left side of the road, but the load vehicle driver, without controlling the speed, had dashed against the right back side of the bus and caused the accident and that the bus driver was not at fault.



C.M.A(MD)Nos.866 to 868 of 2025

WEB COPY

5. During trial, all the three claimants examined themselves as P.W. 1 to P.W.3 and exhibited 17 documents as Exs.P.1 to P.17. The appellant Transport Corporation examined its driver as R.W.1 and exhibited two documents as Exs.R.1 and R.2. The learned trial Judge, considering the evidence both oral and documentary and on hearing the arguments of both sides, passed the impugned common order dated 03.10.2024, holding that both the vehicle drivers are responsible for the accident and fixed the contributory negligence at 50% each. Challenging the same, the Transport Corporation has preferred the present appeals.

6. It is pertinent to note that the accident and the involvement of the bus bearing Registration No.TN-55-N-0882 and the Mahindra Maxi Truck load vehicle are not in dispute, but the only dispute is as to who is responsible for the accident. The claimants in the claim petitions as well as in the evidence would say that the accident was occurred only due to the rash and negligent driving of the bus driver. No doubt, as already pointed out, the appellant Transport Corporation has examined their driver as R.W.1 and he would say that the load vehicle driver alone was responsible for the accident.



C.M.A(MD)Nos.866 to 868 of 2025

WEB COPY

7. It is not in dispute that on the basis of the complaint given by R.W.1 – bus driver, F.I.R., came to be registered against the driver of the load vehicle in Cr.No.39 of 2019, on the file of the Ponnamaravathi Police Station, for the offences under Sections 279 and 337 I.P.C. According to the claimants, since the claimants and others got injured, they were taken to the hospital and taking advantage of the same, the bus driver has lodged a false complaint and on that basis F.I.R., came to be registered.

8. In the counter statement, the respondent, as already pointed out, has taken a defence that the load vehicle driver came in a rash and negligent manner and crossing the central portion, proceeded towards right side of the road and on noticing the same, the bus driver had applied break and stopped the bus on the left side of the road and the load vehicle driver, unable to control the speed, had dashed against the right back side of the bus.

9. However, in the complaint lodged by the bus driver, it was stated that the driver of the Mahindra Maxi Truck driver scraped past



C.M.A(MD)Nos.866 to 868 of 2025

WEB COPY

from the middle of its right side. The Tribunal, considering the evidence of R.W.1, his complaint and the defence taken by the respondent, has specifically observed that R.W.1 had taken contradictory stand with regard to the mode of accident. Moreover, R.W.1 in cross-examination would admit that the accident spot was a curved pathway. P.W.3 – one of the claimants in cross-examination would reiterate their stand that the bus driver alone was at fault.

10. The Tribunal, considering the evidence available on record, by observing that since two vehicles dashed against each other, none has produced evidence to show that who had the last opportunity to avert the accident, came to a decision that both the drivers are equally responsible for the accident and consequently, the Tribunal has fixed the contributory negligence at 50% each.

11. Considering the entire evidence available on record, the above findings of the Tribunal cannot be found fault with. The appellant Transport Corporation has not challenged the quantum of compensation specifically. Hence, this Court concludes that the Civil Miscellaneous Appeals are devoid of merits and the same are liable to be dismissed.



C.M.A(MD)Nos.866 to 868 of 2025

WEB COPY

12. In the result, all the Civil Miscellaneous Appeals are dismissed.

Consequently, the connected Miscellaneous Petitions are also dismissed.

The parties are directed to bear their own costs.

26.08.2025

NCC : Yes : No

Index : Yes : No

Internet : Yes : No

SSL

To

1. The Motor Accident Claims Tribunal /
The Additional District Court, Pudukkottai.

2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



C.M.A(MD)Nos.866 to 868 of 2025

K.MURALI SHANKAR,J.

SSL

C.M.A(MD)Nos.866 to 868 of 2025

26.08.2025