



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2026

CORAM

THE HON'BLE MRS.JUSTICE R. KALAIMATHI

CMA No.778 of 2026

AND

CMP NO.8453 OF 2026

The Managing Director
Tamil Nadu State Transport
Corporation Limited,
(Salem II Division),
Bharathipuram,
Dharmapuri 636 701.

.. Appellant

Vs.

1. Rajeswari
2. Saroja
3. Muniyappan
4. Minor Neshika
D/o. Late. Periyasamy
(Minor Rep by her NF/ mother Rajeswari)

..Respondent(s)

Prayer : This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 to set aside the judgment and decree passed dated 07.04.2025 in M.C.O.P.No.282 of 2024 passed by the Exclusive Motor Accidents Claims Tribunal, Dharmapuri.

For Appellant(s) : Mr.D Nitin

ORDER

Heard the learned counsel for the appellant.

2. Mr.D.Nitin, learned counsel for the appellant /respondent would submit that the First Information Report was registered against the driver of



the respondent and, at a later point of time, it was closed as a mistake of fact.

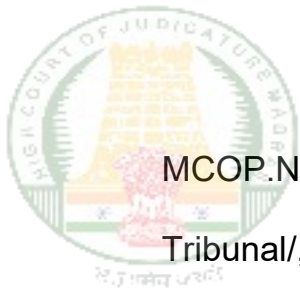
This would clearly show that the driver of the respondent Corporation was not at fault at all. He would further contend that it was only due to the negligence of the rider of the two wheeler that the accident occurred. However, this was not taken into account by the Tribunal, and the fastening of liability on the Transport Corporation is totally incorrect.

3. At trial, the wife of the deceased has examined herself as P.W.1 and one ocular witness Tvl.A.Elango has been examined as P.W.2 and eleven documents have been marked. On the side of the respondent, no witness was examined .

4. P.W.2, the ocular witness, has deposed that the accident occurred due to the negligent driving of the driver of the respondent Corporation. It appears that, even during cross-examination, he re-iterates the same and no details advantageous to the insurance company were elicited.

5. In such circumstances, the finding of the Tribunal with regard to liability against the respondent cannot be found fault with.

6. Based on the aforesaid observations and discussions, this Civil Miscellaneous Appeal is devoid on merits and is liable to be dismissed and thereby dismissed. Sequel to this, Award dated 07.04.2025 passed in



MCOP.No.282 of 2024 on the file of the Exclusive Motor Accident Claims Tribunal/, Dharmapuri, stands confirmed. No costs. Consequently, connected miscellaneous petition is closed.

15-04-2026

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
KKD

To

The Exclusive Motor Accident Claims Tribunal,
Dharmapuri.



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R.KALAIMATHI, J.

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