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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

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THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMA No. 3581 of 2026
and C.M.P.No.29184 of 2026

CNR: {HCMA010728062026}

The Managing Director
Tamil Nadu State Transport Corporation Ltd.,
Salem-7

..Appellant(s)

Vs

Arasan

..Respondent(s)

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree passed in M.C.O.P.No.382 of 2020 dated 31.10.2025, by the Motor Accidents Claims Tribunal, Special District Court-II, Cuddalore.

For Appellant(s): Mr.D.Nitin

For Respondent(s): Mrs.Ramya V.Rao

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JUDGMENT

The unsuccessful Transport Corporation has filed this Civil Miscellaneous Appeal challenging the negligence fixed on them by the Motor Accident Claims Tribunal, Special District Court No.II to deal with MCOP Cases, Cuddalore, vide award dated 31.10.2025 made in M.C.O.P.No.382 of 2020.

2. According to the claimant/respondent herein, on 06.02.2020 at about 20.30 hours, when the claimant was riding his bicycle from east to west, keeping extreme left side of Cuddalore to Vridhachalam main road opposite to C.S.Hospital, Serakuppam, Vadalur, the appellant's TNSTC bus bearing Reg.No.TN 30 N 1821 came from opposite direction in a rash and negligent manner and without making horn, dashed against the claimant's bicycle, due to which, he was thrown off and sustained fracture and multiple grievous injuries and took treatment at Government Hospital, Kurinjipadi, Government Headquarters Hospital, Cuddalore and thereafter, Jipmer Hospital, Puducherry.

3. The appellant/Transport Corporation has filed a counter statement denying the manner of accident and stated that when the bus was driven by its driver with great care and by honking its horn, near Serakuppam CS Hospital, a cyclist suddenly crossed from right to left on the road used by heavy vehicles

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without paying attention and without following the rules of the road. The bus driver applied the brake to stop the bus from hitting him, but the cyclist crashed into the front of the bus and caused the accident and the accident did not occur due to the negligence of the driver of the bus. The claimant has driven the bicycle under the influence of alcohol.

4. Before the Tribunal, on behalf of the claimant, the claimant himself was examined as P.W.1 and Ex.P1 to Ex.P6 were marked. On the side of the respondent, no witness was examined and no document was marked. Disability Certificate issued by the Medical Board was marked as Ex.C1.

5. On appreciation of evidence adduced on either side, the Tribunal found that the accident occurred due to rash and negligent driving of the driver of the bus belonging to the appellant/Transport Corporation, however, as per Ex.P2/Accident Register issued by the Government Hospital, Kurinjipadi, the Duty Doctor had recorded “breath smells of alcohol” and thereby, the Tribunal held that the claimant has also contributed negligence in the accident, hence, 10% of contributory negligence was fixed on the claimant and 90% of negligence was fixed on the appellant/Transport Corporation and the following compensation was awarded by the Tribunal under various heads:-

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Sl.No.	Heads	Amount
1.	Loss of Earning power due to disability (12%)	Rs.84,000/-
2.	Pain and sufferings	Rs.20,000/-
3.	Loss of comfort and amenities	Rs.20,000/-
4.	Extra-nourishment	Rs.5,000/-
5.	Attender charges (7 days)	Rs.3,500/-
6.	Medical Expenses	Nil
7.	Transport Expenses	Rs.5,000/-
8.	Loss of Expectation of life	Rs.20,000/-
9.	Loss of clothes and articles	Nil
10.	Loss of income during treatment and recovery	Rs.5,000/-
11.	Future medical expenses	Nil
	Total	Rs.1,62,500/-
	Less: 10% of contributory negligence for influence of alcohol	Rs.16,250/-
	Compensation Payable	Rs.1,46,250/- Rounded off to Rs.1,46,300/-

6. Aggrieved over the fixation of 90% negligence on the part of the driver of the bus by the Tribunal, the appellant/Transport Corporation has preferred this appeal.

7. The learned counsel appearing for the appellant/Transport Corporation would submit that the Tribunal failed to see that the respondent/claimant was in a drunken state at the time of accident which could be seen from Ex.P2/Accident Register issued by the Government Hospital, Kurinjipadi,

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wherein, the Duty Doctor had recorded "breath smells of alcohol". In such circumstances, the Tribunal ought to have fixed 50% of contributory negligence on the part of the claimant as the claimant himself invited the accident.

8. The learned counsel appearing for the respondent/claimant would submit that upon appreciation of evidence adduced on either side, in the absence of any evidence, the Tribunal ought not to have fixed 10% of contributory negligence on the part of the claimant.

9. This Court considered the submissions made by both sides and perused the materials available on record.

10. There is no dispute raised by the appellant/Transport Corporation with regard to the quantum of compensation awarded by the Tribunal. The only grievance of the appellant/Transport Corporation is with regard to fixation of negligence on the part of the driver of the bus. According to the respondent/claimant, on 06.02.2020 at about 20.30 hours, when the claimant was riding his bicycle from east to west, keeping extreme left side of Cuddalore to Vridhachalam main road opposite to C.S.Hospital, Serakuppam, Vadalur, the appellant's TNSTC bus came from opposite direction in a rash and negligent manner without making horn and dashed against the claimant's bicycle. Whereas, the appellant/Transport Corporation has filed a counter statement

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before the Tribunal, wherein, it has been stated that when the driver has driven the bus carefully honking its horn, near Serakuppam CS Hospital, the claimant has suddenly crossed from right to left on the road used by heavy vehicles without following the traffic rules and the driver applied the brake to stop the bus from hitting him, but the respondent/claimant crashed into the front of the bus and caused the accident. In order to prove the aforesaid facts, neither the driver of the bus nor any other independent witness has been examined by the appellant/Transport Corporation. In such circumstances, the Tribunal has rightly held that the accident occurred due to rash and negligent driving of the driver of the bus. However, it is relevant to note that in Ex.P2/Accident Register issued by the Government Hospital, Kurinjipadi, the Duty Doctor had recorded "Breath Smells of Alcohol" on examination of respondent/claimant and considering the evidence of Ex.P2, the Tribunal has rightly held that the respondent/claimant has driven the bicycle under the influence of alcohol and that the claimant violated the Traffic Regulations while plying the bicycle in a public road, and fixed 10% of contributory negligence on the claimant. Therefore, contributory negligence of 10% fixed on the claimant and 90% negligence fixed on the appellant/Transport Corporation by the Tribunal, vide impugned award dated 31.10.2025, does not require any interference by this Court.

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11. Accordingly, this Civil Miscellaneous Appeal is dismissed and the award dated 31.10.2025 passed in M.C.O.P.No.382 of 2020 by the Motor Accident Claims Tribunal, Special District Court No.II to deal with MCOP Cases, Cuddalore, is hereby confirmed. There shall be no order as to costs. Connected miscellaneous petition is closed.

28-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
ssb

To

1.The Motor Accident Claims Tribunal,
Special District Court No.II to deal with MCOP Cases, Cuddalore.

2.The Section Officer,
V.R. Section,
High Court,
Chennai.

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M.JOTHIRAMAN, J.

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