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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	16.02.2026
Pronounced on:	24.04.2026

CORAM

**THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN
THILAKAVADI**

C.M.A.No.202 of 2026

and C.M.P.No.2437 of 2026

The Superintendent of Police,
District Police Office, Angeripalayam Road,
(Now at Palladam Road), Tiruppur District.

...Appellant

Vs.

Devi, W/o. Nataraj, aged about 50 years,
residing at 22/52, Thannir Thotti Veethi,
Palladam Tk, Samalapuram, Tiruppur District.

...Respondent/Petitioner

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the award passed in M.C.O.P.No.1992 of 2018 dated 03.10.2024 on the file of the Motor Accident Claims Tribunal, Special District Court to deal with MCOP Cases, Tiruppur.

For Appellant	: Mr. P.Gurunathan, Additional Government Pleader
For Respondent	: Mr.K.Varadhakamaraj



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JUDGMENT

This Civil Miscellaneous Appeal is preferred against the award in M.C.O.P.No.1992 of 2018 dated 03.10.2024 on the file of the Motor Accident Claims Tribunal, Special District Court to deal with MCOP Cases, Tiruppur.

2. For the sake of convenience, the parties are referred to as per their ranking in the claim petition.

3. Shortly stated, on 12.07.2018 at about 2.00 p.m., the deceased Nataraj was travelling on his two-wheeler bearing Registration No. TN 42 J 2952 along with his wife Devi as pillion rider, near the Iyengar Bakery at Kaniyur Toll Gate. The Eicher Van bearing Registration No. TN 39 G 0284 belonging to the respondent / Superintendent of Police came from the opposite direction in a rash and negligent manner and collided with the two-wheeler. As a result, Devi (the claimant/petitioner in M.C.O.P.No.1992 of 2018) sustained grievous head injury on the right side of her head and multiple fracture injuries, resulting in 35%



permanent disability as per the medical board report (Ex.C1). She cannot walk as before and cannot lift her hand as before. Her husband Nataraj succumbed to the injuries. Devi filed M.C.O.P.No.1992 of 2018 seeking compensation of Rs.20,00,000/- for the grievous injuries sustained by her.

4. The claim was resisted by the Superintendent of Police contending that there was contributory negligence on the part of the deceased rider Nataraj, as he was riding on the wrong side of the road near the toll gate, thereby contributing to the accident.

5. The Claims Tribunal, after framing necessary issues and on analyzing the oral and documentary evidence including the CCTV footage (Ex.X3) and the rough sketch (Ex.R1), concluded that the accident occurred when the deceased had taken a wrong route near the toll gate, but that the respondent's driver had noticed the two-wheeler from a distance and could have taken evasive action to avoid the accident. Accordingly, the Tribunal apportioned negligence at 50:50 between the deceased rider's side and the respondent's driver. The Tribunal fixed the monthly income of the claimant Devi at



Rs.10,000/- and awarded a total compensation of Rs.2,30,000/- (after applying the 50:50 ratio) with interest at the rate of 7.5% per annum from the date of petition till the date of realization.

6. The learned Additional Government Pleader for the appellant would submit that the Tribunal erred in fixing the negligence at 50:50. He would contend that the CCTV footage (Ex.X3) and the rough sketch (Ex.R1) clearly establish that the deceased was riding on the wrong side of the road and was solely responsible for the accident, and hence the proper apportionment of negligence ought to have been 100:0 as against the deceased. He would further submit that the Tribunal erroneously shifted the burden of proof on the appellant to disprove the negligence of the deceased when the evidence speaks for itself. He would also submit that the fixation of the monthly income of the claimant Devi at Rs.10,000/- is without any basis as no documentary evidence was produced. Hence, prayed for setting aside the award.



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7. On the other hand, the learned counsel for the respondent/claimant would submit that the Tribunal after careful analysis of the evidence has awarded just compensation and the same does not warrant any interference.

8. Heard on both sides. Records perused.

9. According to the appellant, the deceased was solely responsible for the accident and the entire negligence ought to have been fixed on his side. This Court has carefully perused the CCTV footage (Ex.X3) and the rough sketch (Ex.R1). It is indeed evident that the deceased Nataraj was riding on the wrong side of the road near the toll gate. However, the Tribunal, after going through the CCTV footage, has specifically recorded that it is likely that the driver of the appellant's vehicle had noticed the two-wheeler from a distance and could have taken evasive action to avoid the collision. In Motor Accident Claims cases, the standard of proof is one of preponderance of probability and not proof beyond reasonable doubt. The finding that the appellant's driver also contributed to the accident by failing to take evasive action, despite having noticed the two-wheeler from a distance, is a finding based on evidence and cannot be characterized as perverse.



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10. Moreover, a professional driver of a government vehicle approaching a busy toll gate area is expected to exercise a higher degree of care and caution. The deceased, though on the wrong side, was visible from a distance. The failure of the government vehicle's driver to reduce speed or take evasive action amounts to contributory negligence. This Court is therefore of the considered view that the apportionment of negligence at 50:50 as fixed by the Tribunal is just and proper and does not require interference.

11. On the question of income, the claimant Devi admittedly produced no documentary evidence to substantiate her income. The Tribunal fixed her notional monthly income at Rs.10,000/- taking note of the prevailing economic conditions and her occupation as an agriculturist and milk business operator. This Court finds the fixation of notional income at Rs.10,000/- per month to be reasonable and does not call for interference.

12. In view of the above, this Court finds no merit in the contentions raised by the appellant. The award of the Tribunal in M.C.O.P.No.1992 of 2018 dated 03.10.2024 is just and proper and does not warrant any interference.



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13. In the result, the Civil Miscellaneous Appeal is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

24.04.2026

vsn

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To

1. The Special District Judge,
Special District Court to deal with Motor Accident Claims Tribunal,
Tiruppur.
2. The Section Officer,
VR Section,
High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J.

vsn

Pre-delivery Judgment made in
C.M.A.No.202 of 2026
and C.M.P.No.2437 of 2026

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