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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	16.02.2026
Pronounced on:	.04.2026

CORAM

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

C.M.A.No.203 of 2026

and C.M.P.No.2440 of 2026

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

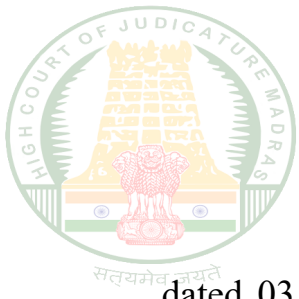
...Appellant

Vs.

1. Devi, W/o. Nataraj, aged about 50 years,
residing at 22/52, Thannir Thotti Veethi,
Palladam Tk, Samalapuram, Tiruppur District.
2. Shanthi, W/o. Mohanraj, aged about 29 years,
Residing at 15/7, Avinashi Road, Ramanathapuram,
Punsai Puliampatti, Erode District – 638 459.
3. Dharani, D/o. Nataraj, aged about 27 years,
All residing at 22/52, Thannir Thotti Veethi,
Palladam Taluk, Samalapuram, Tiruppur District.

...Respondents

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.1993 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 Respondents : Mr.K.Varadhakamaraj for R1 to R3

JUDGMENT

This Civil Miscellaneous Appeal is preferred against the award in M.C.O.P.No.1993 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, proceeding in the west to east direction. At that time, the Eicher Van



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bearing Registration No. TN 39 G 0284 belonging to the Superintendent of Police came from the opposite direction in a rash and negligent manner and hit against the two-wheeler. As a result, the deceased Nataraj sustained grievous head injuries and succumbed to death. The accused committed offences under Sections 279, 338 and 304(A) of IPC. The respondents/claimants, being the legal heirs of the deceased, filed M.C.O.P.No.1993 of 2018 seeking compensation for the death of Nataraj.

4. The claim was resisted by the appellant/Superintendent of Police stating that there was contributory negligence on the part of the deceased, as he was riding on the wrong side of the road near the toll gate in a negligent manner.

5. The Claims Tribunal, after framing necessary issues and on analyzing the oral and documentary evidence including the CCTV footage (Ex.X3) and rough sketch (Ex.R1), concluded that the accident took place when the deceased had taken a wrong route near the toll gate, but that it was likely that the



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respondent's driver had noticed the two-wheeler from a distance and could have avoided the accident. Accordingly, the Tribunal apportioned negligence at 50:50. The Tribunal fixed the monthly income of the deceased at Rs.11,000/- per month and awarded a compensation of Rs.4,86,000/- to the claimants 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 and that the proper apportionment ought to have been 100:0 as against the deceased, since 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. 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 clearly establishes the same. He would also submit that the fixation of the monthly income of the deceased at Rs.11,000/- is excessive and without any documentary evidence. Hence, prayed for setting aside the award.

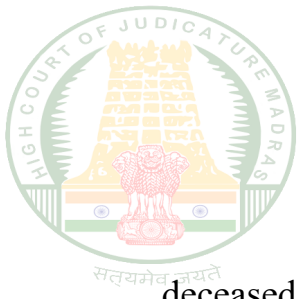


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7. On the other hand, the learned counsel for the respondents/claimants would submit that the Tribunal after careful analysis of the evidence has awarded just compensation and that the same does not warrant any interference.

8. Heard on both sides. Records perused.

9. According to the appellant, the entire negligence ought to have been fixed on the deceased. This Court has carefully perused the CCTV footage (Ex.X3) and the rough sketch (Ex.R1). It is 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 respondent'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 preponderance of probability and not proof beyond reasonable doubt. The conclusion reached by the Tribunal that the respondent's driver also contributed to the accident, having failed to take evasive action despite noticing the

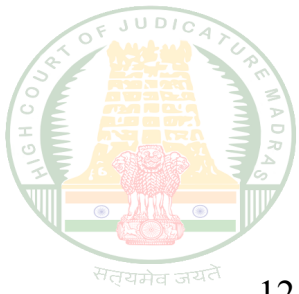


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deceased from a distance, is a finding based on evidence and cannot be said to be perverse.

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 failure of the government vehicle's driver to reduce speed or swerve to avoid the collision amounts to contributory negligence on his part. 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 fixation of income, the appellant submits that fixing the monthly income of the deceased at Rs.11,000/- is excessive and without basis. Admittedly, no documentary evidence was produced before the Tribunal. The Tribunal, taking note of the notional income applicable for the relevant period and the occupation of the deceased, has fixed the monthly income at Rs.11,000/-. This Court is of the view that the notional income of Rs.11,000/- per month as fixed by the Tribunal is reasonable and does not call for interference.



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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.1993 of 2018 dated 03.10.2024 is just and proper and does not warrant any interference.

13. In the result, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

.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.203 of 2026
and C.M.P.No.2440 of 2026

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