



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.02.2026

CORAM:

THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

**C.M.A.No.481 of 2026
and C.M.P.No.5772 of 2026**

The Managing Director,
Metropolitan Transport Corporation Ltd.,
(M.T.C. (Chennai) Ltd.)
No.2, Pallavan House, Anna Salai,
Chennai – 600 002.

...Appellant

Versus

1.T.Nagarajan

2.N.Pushpadevi

...Respondents

This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 praying to set aside the Decree and Judgment dated 16.02.2024 made in M.C.O.P.No.863 of 2021 on the file of the Motor Accident Claims Tribunal, Chief Judge Court of Small Causes, Chennai pending and be pleased to dismiss the above claim as against the appellant.

For Appellant : Mr.M.Murali Vinodh

For Respondents : Mr.K.Balaji



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JUDGMENT

This Civil Miscellaneous Appeal has been preferred by the Appellant/Transport Corporation praying to set aside the Judgment and Decree dated 16.02.2024 in M.C.O.P.No.863 of 2021 passed by the learned Chief Judge, Motor Accident Claims Tribunal (Court of Small Causes), Chennai.

2. The brief facts of the case are as follows:

On 30.11.2020, at 1.30 p.m., while one Mr.Girijesh (deceased) was travelling as a pillion rider in a Yamaha R15 motorcycle bearing Registration No.TN 09 BS 8158, an unknown car hit the motorcycle in which the said Girijesh was travelling and thus, he fell down on the road, at that time, the left rear wheel of the MTC Bus bearing Registration No.TN 01 AN 3900 which was driven by its driver in a rash and negligent manner, ran over the said Girijesh (deceased), as a result of which, Girijesh (deceased) had sustained fatal injuries and died on the spot. Hence, the respondents/claimants (parents of the deceased Girijesh) had filed a Claim Petition against the appellant/Transport Corporation, claiming a sum of Rs.49,00,000/- as compensation for the death of their son.



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3. The appellant/Transport Corporation had filed its counter statement denying all the averments made by the respondents/claimants in the Claim Petition.

4. Before the Tribunal, on the side of claimants, 1st respondent (father of the deceased) examined himself as P.W.1 and one Mr.R.Lakshmanan was examined as P.W.2 and 18 documents were marked as Exs.P1 to P18. On the side of Transport Corporation, Mr.P.B.Arumugam (driver of the appellant bus) was examined as witness and 3 documents were marked as Exs.R1 to R3.

5. On appreciation of the oral and documentary evidence, the Tribunal arrived at the finding that the accident had occurred due to the rash and negligent driving of the driver who drove the bus of appellant/Transport Corporation.

6. The Tribunal has awarded a sum of Rs.23,88,000/- as compensation to the respondents/claimants. The break-up details of the compensation awarded by the Tribunal are as follows:



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S.No.	Heads	Amount awarded under various Heads
1	Loss of Income / Dependency	Rs.22,68,000/-
2	Loss of Estate	Rs.15,000/-
3	Loss of Consortium	Rs.80,000/-
4	Funeral Expenses	Rs.15,000/-
5	Transport Charges	Rs.10,000/-
Total		Rs.23,88,000/-

7. The Tribunal vide Order dated 16.02.2024, partly allowed M.C.O.P.No.863 of 2021 and directed the appellant/Transport Corporation to pay a sum of Rs.23,88,000/- as compensation to the respondents/claimants, with proportionate cost and interest at 7.5% per annum from the date of claim petition till the date of realization in full, excluding the default period, if any.

8. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant/Transport Corporation has preferred this Civil Miscellaneous Appeal before this Court.

9. The learned counsel for the appellant/Transport Corporation submitted that R.W.1 (driver of the appellant bus) had deposed in his



evidence that on 30.11.2020, at about 1.20 p.m., he drove the appellant bus from Ambattur Industrial Estate Bus Stand to Velacherry in a moderate speed adhering the traffic rules; when the appellant bus was proceeding slowly on the Vavin Thirumangalam Road, the rider of the motorcycle along with the pillion rider (deceased) attempted to overtake the appellant bus on the right side at hectic speed in a rash and negligent manner, without noticing the car which came from the opposite direction in a rash and negligent manner, at that time, the said car hit the motorcycle and thus, the pillion rider (deceased) fell down on his left side in front of the right rear wheel of the appellant bus and he sustained fatal injuries, on seeing the same, driver of the appellant bus had stopped the bus immediately. Hence, the accident had occurred due to the negligent driving of the rider of the motorcycle as well as the driver who drove the unknown car. However, without considering the evidence of R.W.1, the Tribunal has held that the accident had occurred due to the rash and negligent driving of the driver who drove the appellant bus and has fixed the liability on the appellant/Transport Corporation. Therefore, the learned counsel prayed that the Judgment and Decree dated 16.02.2024 in M.C.O.P.No.863 of 2021 passed by the Tribunal may be set aside.

10. On the other hand, learned counsel appearing for the



respondents/claimants submitted that the accident had occurred due to the rash and negligent driving of the driver who drove the appellant bus and hence, the Tribunal has come to the conclusion that the accident had occurred due to the rash and negligent driving of the driver who drove the appellant bus and rightly fixed the liability on the appellant/Transport Corporation. Therefore, the learned counsel submitted that the findings of the Tribunal does not warrant any interference.

11. Heard the learned counsel for appellant/Transport Corporation and the learned counsel appeared on behalf of the respondents/claimants.

12. From a perusal of the records, it is evident that before the Tribunal, the appellant/Transport Corporation had not produced any evidence to prove that the rider of the motorcycle and the driver of an unknown car are responsible for the accident. It is also evident that during cross examination, R.W.1 (driver of the appellant bus) had admitted that the appellant bus wheel ran over the deceased and thus, he died.

13. It is crystal clear that the accident had occurred due to the rash and negligent driving of the driver who drove the appellant bus and hence, the Tribunal has fixed the negligence on the driver of appellant bus and has



fixed the liability on the appellant/Transport Corporation.

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14. I do not find any reason to interfere with the Judgment and Decree passed by the Tribunal. Therefore, this Civil Miscellaneous Appeal is liable to be dismissed.

15. Accordingly, this Civil Miscellaneous Appeal is dismissed and the Judgment and Decree dated 16.02.2024 in M.C.O.P.No.863 of 2021 passed by the learned Chief Judge, Motor Accident Claims Tribunal (Court of Small Causes), Chennai is hereby confirmed. No costs. Consequently, connected Miscellaneous Petition is closed.

27.02.2026

mrr

Index : Yes/No

Speaking Order (or) Non-Speaking Order

To

Motor Accident Claims Tribunal
(Court of Small Causes), Chennai.



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K.GOVINDARAJAN THILAKAVADI, J.

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