

C.M.A(MD)No.871 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 01.04.2026

PRONOUNCED ON:05.06.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)No.871 of 2025

and

C.M.P.(MD)Nos.13542 and 19843 of 2025

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
(Kumbakonam Division -II Limited),
Office at No.27, Railway Station new salai,
Periyamilaguparai, Trichy. : Appellant/Respondent

Vs.

N.S.Manivel @ S.Manivel : Respondent / Petitioner

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicle Act, against the judgment and decree passed in M.C.O.P.No.262 of 2023, dated 21.01.2025, on the file of the Motor Accident Claims Tribunal cum Chief Judicial Magistrate, Karur.

For Appellant : Mr.S.Micheal Heldon Kumar

For Respondent : Mr.V.G.Vallarasu Chezhiyan



C.M.A(MD)No.871 of 2025

WEB COPY

JUDGMENT

This Civil Miscellaneous Appeal is directed against the award made in M.C.O.P.No.262 of 2023, dated 21.01.2025, on the file of the Motor Accident Claims Tribunal / Chief Judicial Magistrate Court, Karur.

2. The appellant/Transport Corporation, who was mulcted with liability to pay compensation of Rs.9,20,541/- with interest at 7.5% p.a., and costs to the respondent/claimant for the disability sustained by him, consequent to an accident occurred on 29.03.2023, challenged the liability mulcted on it.

3. When the matter is taken up for hearing, the learned Counsel appearing for the appellant would submit that they are challenging the finding of the Tribunal mulcting the entire liability on the bus driver and that they are not challenging the quantum of compensation awarded at by the Tribunal.



C.M.A(MD)No.871 of 2025

WEB COPY

4. The case of the claimant is that on 29.03.2023 at about 12.30p.m., when the claimant was riding his two wheeler TVS XL bearing Registration No.TN-47-AH-7107 on the extreme left side of the road from West to East in Coimbatore to Karur main road, the respondent bus bearing Registration No.TN-45-N-3898 which came in a rash and negligent manner, in the same direction, had dashed on the backside of the two wheeler and as a result of which, the claimant sustained injuries all over his body and that the accident was occurred only due to the rash and negligent driving of the bus driver.

5. The defence of the respondent/Transport Corporation is that the claimant rode his two wheeler in a rash and negligent manner and while attempting to overtake the bus on the left side, unable to control his speed, lost balance and fell down and thereby invited the accident and that the claimant alone was responsible for the accident and the bus driver was not at fault.

6. It is pertinent to note that the Tribunal, considering the evidence available on record, rendered a specific finding that the accident was occurred only due to the rash and negligent driving of the bus driver.



C.M.A(MD)No.871 of 2025

WEB COPY

7. The learned Counsel for the appellant would submit that though the F.I.R., was registered against the bus driver, the jurisdictional police after completing the investigation, filed a final report as mistake of fact by holding that the claimant alone was responsible for the accident, that the respondent Corporation examined its driver as well as the police official to prove that the claimant alone was at fault, that there is ample evidence to show that the claimant had also contributed for the cause of the accident and that the Tribunal without considering the evidence available on record, instead of attributing contributing negligence on the part of the claimant, has erroneously fastened the entire responsibility on the bus driver.

8. It is not in dispute that originally F.I.R., in Cr.No.240 of 2023 for the offences under Sections 279 and 338 I.P.C., on the file of the Karur Town Police Station came to be registered against the bus driver, but the jurisdictional police, after investigation, filed a final report as mistake of fact, alleging that the claimant rode the two wheeler behind the bus and lost his control and fell down. The driver of the bus, who was examined as R.W.1 has admitted that the claimant sustained injuries



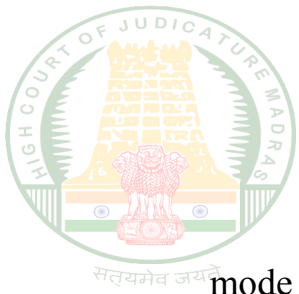
C.M.A(MD)No.871 of 2025

WEB COPY

in the accident occurred involved in the bus driven by him and that the claimant lost his balance and dashed against the bus. The respondent summoned the Special Sub-Inspector of Police attached to the Karur Town Police Station for the purpose of marking the final report filed by the said police under Ex.X.1 and R.W.2 has admitted that he does not know about the witnesses examined by the Investigating Officer and that the summons sent to the witnesses for examination were not available in the bundle. Admittedly R.W.2 is not the Investigating Officer, who filed Ex.X.1 – final report and he is also not the official, who accompanied the Investigating Officer and helped him in the investigation.

9. Moreover, it is settled law that the police records or the judgment given by the criminal Court are not binding on the Tribunal with regard to the mode of accident and that the Tribunal taking note of the evidence available before it, is duty bound to consider as to who is responsible for the accident and the manner in which the accident had occurred.

10. As rightly observed by the learned trial Judge, the claimant who is injured in the present case, has categorically deposed about the



C.M.A(MD)No.871 of 2025

WEB COPY

mode of accident and the way in which the bus was driven by R.W.1.

The respondent has not chosen to examine the conductor of the bus or any other independent witnesses to show that the claimant alone was at fault and not R.W.1.

11. The learned Counsel for the respondent Corporation would submit that the claimant did not possess a valid driving licence at the time of accident and hence, the same should be taken as circumstance to fix the contributory negligence on his part and that though the claimant has stated that he had produced his driving licence, no such document has been marked in evidence.

12. Be that as it may, even assuming for arguments sake that the claimant did not possess a valid driving licence at the relevant point of time, this Court is of the considered view that mere absence or non-production of a driving licence cannot, by itself, lead to an inference of contributory negligence. At this juncture, it is necessary to refer the judgment of the Hon'ble Supreme Court in ***Sudhir Kumar Rana V. Surinder Singh*** reported in ***(2008)12 SCC 436***, wherein it was held as follows:



WEB COPY



C.M.A(MD)No.871 of 2025

"9. If a person drives a vehicle without a licence, he commits an offence. The same, by itself, in our opinion, may not lead to a finding of negligence as regards the accident. It has been held by the courts below that it was the driver of the mini truck who was driving rashly and negligently. It is one thing to say that the appellant was not possessing any licence but no finding of fact has been arrived at that he was driving the two-wheeler rashly and negligently. If he was not driving rashly and negligently which contributed to the accident, we fail to see as to how, only because he was not having a licence, he would be held to be guilty of contributory negligence."

13. It is also well settled that the question of contributory negligence has to be decided on the basis of the manner in which the accident occurred and not on the basis of whether the claimant possessed a valid driving licence. The mere non-possession of a driving licence by itself will not raise a presumption that the claimant was negligent or that his negligence contributed to the occurrence of the accident.

14. Considering the above, this Court holds that the absence of a driving licence, even though assumed, cannot be a ground for attributing



C.M.A(MD)No.871 of 2025

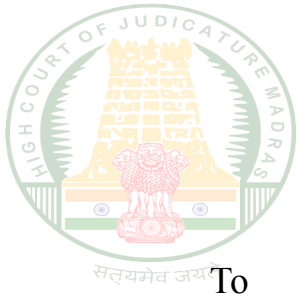
WEB COPY

contributory negligence to the claimant and that the Tribunal has rightly fastened the entire negligence on the driver of the bus. As already pointed out, the plea that the claimant attempted to overtake the bus from the left side has not been substantiated by any cogent or independent evidence. In the absence of proof of any specific act of negligence attributable to the claimant, this Court is not inclined to fix any percentage of contributory negligence on him. As already pointed out, the appellant has not challenged the quantum of compensation awarded by the Tribunal. Moreover, the appellant has not canvassed any other reason or ground to impugn the award. Consequently, this Court concludes that the Civil Miscellaneous Appeal is devoid of merits and the same is liable to be dismissed.

15. In the result, the Civil Miscellaneous Appeal is dismissed. Consequently, the connected Miscellaneous Petitions are closed. There shall be no order as to costs.

05.06.2026

NCC : Yes : No
Index : Yes : No
Internet : Yes : No
SSL



C.M.A(MD)No.871 of 2025

To

WEB COPY

1.The Motor Accident Claims Tribunal cum Chief Judicial Magistrate,
Karur.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



C.M.A(MD)No.871 of 2025

K.MURALI SHANKAR,J.

SSL

PRE-DELIVERY JUDGMENT MADE IN

C.M.A(MD)No.871 of 2025

05.06.2026