



C.M.A.(MD).Nos.440 and 441 of 2

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.04.2026

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

and

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

C.M.A.(MD).Nos.440 and 441 of 2026

and

C.M.P.(MD).Nos.4205 and 4208 of 2026

C.M.A.(MD).No.440 of 2026:

The Managing Director,
Tamil Nadu Transport Corporation,
Bye-pass Road,
Madurai Town,
Madurai.

... Appellant / 1st Respondent

Vs.

1.Minor.Logesh
2.Minor.Ananyasri
Minor respondents 1 and 2 are
represented by their grand-mother /
Guardian namely
Pushpam

... Respondents 1 & 2/ Petitioners

3.Annakodi

... 3rd Respondent / 2nd Respondent

PRAYER:- Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree dated 15.10.2024 made in M.C.O.P. No.46 of 2019 on the file of the learned Motor Accidents Claims Tribunal (Subordinate Judge), Uthamapalayam by allowing the above Civil Miscellaneous Appeal.

For Appellant : Mr.S.Micheal Heldon Kumar

For R1 and R2 : Mr.J.Thomas Rajadurai



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C.M.A.(MD).No.441 of 2026:

The Managing Director,
Tamil Nadu Transport Corporation,
Bye-pass Road,
Madurai Town,
Madurai.

... Appellant / 1st Respondent

Vs.

1.Minor.Logesh
2.Minor.Ananyasri
Minor respondents 1 and 2 are
represented by their grand-mother /
Guardian namely
Pushpam

3.Pushpam

4.Vellaichamy

... Respondents 1 to 4 / Petitioners

5.Annakodi

... 5th Respondent / 5th Respondent

PRAYER:- Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree dated 15.10.2024 made in M.C.O.P. No.47 of 2019 on the file of the learned Motor Accidents Claims Tribunal (Subordinate Judge), Uthamapalayam by allowing the above Civil Miscellaneous Appeal.

For Appellant : Mr.S.Micheal Heldon Kumar

For R1 and R2 : Mr.J.Thomas Rajadurai

COMMON JUDGMENT

(Judgment of the Court was delivered by **K.K.RAMAKRISHNAN,J.**)

These Civil Miscellaneous Appeals arise out of the common award passed in M.C.O.P. Nos. 46 of 2019 and 47 of 2019 on the file of the Motor



Accidents Claims Tribunal, Uthamapalayam, challenging the impugned judgment dated 15.10.2024.

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2.Fact of the case:

2.1. The brief facts leading to the filing of the appeal are as follows: On 14.11.2018 at about 12:30 p.m., the deceased, Jayaprakash, was riding a two-wheeler bearing Registration No. TN-60-W-5251 along with his wife, Prem Anandhi, on the Chinnamanur–Uthamapalayam Main Road, proceeding from north to south. Another two-wheeler, ridden by Jayakumar (brother of the deceased) along with his wife, was following them. While both vehicles were proceeding near the land of Ramalingam Pillai Trust at Chinnamanur, a bus belonging to the appellant Transport Corporation bearing Registration No. TN-58-N-1972, driven in a rash and negligent manner, came in the opposite direction and dashed against the two-wheeler ridden by the deceased. In the impact, both Jayaprakash and Prem Anandhi sustained grievous injuries and succumbed to the same. A criminal case in Crime No. 529 of 2018 was registered against the driver of the appellant Corporation bus by the jurisdictional police. The legal representatives of the deceased thereafter filed claim petitions in M.C.O.P. Nos. 46 of 2019 and 47 of 2019.



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2.2. The appellant Transport Corporation filed a counter denying the manner of the accident and specifically contended that the accident occurred solely due to the negligence of the deceased. The quantum of compensation was also disputed.

2.3. Before the Tribunal, both cases tried together and on the side of the claimants, P.Ws.1 to 3 were examined and Exs.P1 to P23 were marked. On the side of the respondents, R.W.1 was examined and no documents were marked in M.C.O.P.No.46 of 2019. Insofar as M.C.O.P.No.47 of 2019 is concerned, no witnesses were examined and no documents were marked on either side.

3.Finding of the Tribunal:

The Tribunal, upon consideration of the entire evidence on record, particularly the testimony of P.W.3, who is an eyewitness, and the final report filed against the driver of the appellant Transport Corporation, held that the accident occurred due to the rash and negligent driving of the driver of the appellant's bus. Accordingly, compensation was awarded in both the claim petitions by a common award under the following heads:



In M.C.O.P.No.46 of 2019:

Sl. No	Heads	Amount in Rs
1	Loss of Dependency (14,000/- x 12 x 13)	25,20,000/-
2	Loss of Consortium (2 x 44,000)	88,000/-
3	Loss of Estate	16,500/-
4	Funeral expenses	16,500/-
Total Income		Rs.26,41,000/-

In M.C.O.P.No.47 of 2019:

Sl. No	Heads	Amount in Rs
1	Loss of Dependency (9,450/- x 12 x 16)	18,14,400/-
2	Loss of Consortium (4 x 44,000)	1,76,000/-
3	Loss of Estate	16,500/-
4	Funeral expenses	16,500/-
Total Income		Rs.20,23,400/-

4. Aggrieved by the said finding, the appellant Transport Corporation has preferred the present appeal, challenging the finding on “negligence aspect” and “not disputing the quantum of compensation”.

5. Submission of the learned counsel for the appellant:

The learned counsel for the appellant would contend that notwithstanding the registration of the FIR and filing of the final report against the bus driver,



the evidence on record would disclose that the deceased himself was negligent and had attempted to overtake, thereby sustaining injuries. It is further submitted that the evidence of R.W.1 was not properly appreciated by the Tribunal.

6.Submission of the learned counsel appearing for the respondent:

Per contra, the learned counsel for the respondents would submit that P.W.3 is an independent eyewitness and his presence at the scene of occurrence has not been disputed. His evidence clearly establishes the negligence on the part of the appellant's driver. The said testimony stands corroborated by the FIR and the final report, and there is no contra evidence to discredit the same.

7. This Court has carefully considered the rival submissions and perused the entire materials available on record, including the impugned award.

8. The core issue that arises for consideration is whether the Tribunal was justified in fixing the negligence on the driver of the appellant Transport Corporation bus.

9.Findings of this Court:

9.1. On a careful re-appreciation of the evidence, this Court finds that



P.W.3 has categorically deposed that the bus driven by the appellant's driver, coming in the opposite direction in a rash and negligent manner, dashed against the two-wheeler ridden by the deceased. His testimony remains unshaken. The FIR and the final report have also been registered and filed against the bus driver, which lends corroboration to the version of the claimants.

9.2. Though R.W.1 has deposed that the accident occurred due to the negligence of the deceased, it is a bald assertion and is not supported by any independent or documentary evidence. In the absence of any material to discredit the evidence of P.W.3, this Court finds no reason to differ from the findings of the Tribunal.

10.Conclusion:

10.1. The Tribunal has rightly appreciated the oral and documentary evidence and has correctly fixed the negligence on the appellant's driver. This Court does not find any perversity or illegality in the said finding warranting interference. Insofar as the quantum of compensation is concerned, the same has not been challenged by the appellant, and in any event, this Court finds no infirmity in the computation made by the Tribunal. Accordingly, these Civil Miscellaneous Appeals are liable to be dismissed.



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10.2. In the result, the appeals filed by the appellant Transport Corporation are dismissed and the award dated 15.10.2024 passed in M.C.O.P. Nos.46 and 47 of 2019 on the file of the learned Motor Accidents Claims Tribunal (Subordinate Judge), Uthamapalayam are hereby confirmed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

[N.A.V.,J.] & [K.K.R.K.,J.]
06.04.2026

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To

- 1.The Motor Accidents Claims Tribunal (Subordinate Judge),
Uthamapalayam.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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and
K.K.RAMAKRISHNAN,J.

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Judgment made in
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