



C.M.A(MD)No.449 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2026

CORAM:

**THE HON'BLE MR JUSTICE N.ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

**C.M.A(MD)No.449 of 2026
and
C.M.P.(MD).No.4399 of 2026**

The Managing Director,
Tamil Nadu State Transport Corporation
(MAD-DIV-IV) Limited,
having its office at Bypass Road,
Collectorate Post, Dindigul.

... Appellant

Vs.

1.Fathimabeevi

2.Minor.Mohamadumarshek

3.Minor.Mohamad Jalaldin

4.Amithabegam

... Respondents

(minor respondent Nos.2 and 3 through their mother and next friend
the first respondent)

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PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the order made in M.C.O.P.No.331 of 2019 dated 09.01.2025 on the file of the Motor Accident Claims Tribunal cum Additional District Court, Dindigul and allow the appeal with costs.

For Appellant : Mr.S.Micheal Heldon Kumar

For R-1 to R-4 : Mr.S.Pugalendhi

J U D G M E N T

**(Judgment of the Court was delivered by
N.ANAND VENKATESH, J.)**

This appeal has been filed by the Transport Corporation against the award passed in M.C.O.P.No.331 of 2019 dated 09.01.2025 on the file of the Motor Accident Claims Tribunal cum Additional District Court, Dindigul.

2. Heard the learned counsel on either side.



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3. The respondents are the claimants. The case of the respondents is that on 03.09.2015 at about 09.30 p.m., the deceased was riding an auto-rickshaw at Dindigul-Trichy main road. The auto-rickshaw had crossed the railway bridge and was nearing Vijaya Trades Shop and at that point of time, the bus belonging to the Transport Corporation is said to have been driven in a rash and negligent manner and had dashed on the autorickshaw and as a result of which, the auto driver sustained multiple injuries and succumbed to the injuries. It is under these circumstances, the claim petition came to be filed before the Tribunal by the wife and children of the deceased.

4. The Tribunal, on considering the facts and circumstances of the case and on appreciation of evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the bus belonging to the Transport Corporation.

5. Having rendered the above finding, the Tribunal proceeded to fix the total compensation of Rs.23,42,000/- payable along with the



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interest at the rate of 7.5%. Aggrieved by the same, the present appeal has been filed before this Court.

6. The learned counsel appearing for the appellant submitted that the entire accident had taken place only due to the rash and negligent driving on the part of the deceased. The learned counsel in order to substantiate his submission heavily relied upon the evidence of R.W.1 and R.W.2. The learned counsel also placed reliance upon the final report that was filed by R.W.2 in Crime No.839 of 2015. The learned counsel submitted that even if the entire negligence is not attributed to the deceased, some contributory negligence will have to be attributed to the deceased considering the manner in which the deceased had driven the autorickshaw over the railway bridge and had suddenly come near the bus belonging to the Transport Corporation.

7. We carefully went through the evidence of P.W.2, R.W.1 and R.W.2 and also carefully considered the finding rendered by the Tribunal on the issue of negligence.



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8. P.W.2 is an eye-witness to the incident. R.W.1 was the driver of the bus belonging to the Transport Corporation. R.W.2 was the Investigation Officer, who had investigated the case in Crime No.839 of 2015

9. The learned counsel appearing for the appellant submitted that R.W.2 had specifically stated in his evidence that the accident had taken place only due to the rash and negligent driving on the part of the autorickshaw driver. Hence, the final report was filed against the auto driver. But, however, since he died, action was dropped.

10. The filing of the final report by itself does not lead to a conclusion that the accused person has committed offence. It is only a prima facie material which will be considered by the Court for the purpose of framing of charges and nothing more. Since the action dropped report has been filed, the Tribunal thought it fit to appreciate the better evidence that was available before the Tribunal in terms of the eye-



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witness account of P.W.2 and the driver of the bus-R.W.1. The Tribunal while appreciating the evidence took into consideration the evidence of R.W.1 and concluded that there were contradicting stands taken by R.W.1 and therefore, the Tribunal found that the eye witness account was more believable and therefore, proceeded further to fix the entire negligence on the bus driver of the Transport Corporation.

11. The above exercise undertaken by the Tribunal was based on the appreciation of evidence and just because, this Court can come to a different conclusion based on the same evidence, that does not create a ground for interfering with the evidence of the Tribunal in an appeal. The Court must find that the finding is perverse and against the evidence available before the Tribunal. That is not the case in hand.

12. In the light of the above discussion, this Court concurs with the findings of the Tribunal on the issue of negligence. The compensation that was fixed by the Tribunal is reasonable and it does not require interference of this Court.



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13. In the light of the above discussion, this appeal stands dismissed and there shall be a direction to the Transport Corporation / appellant to deposit the entire award amount along with the accrued interest to the credit of M.C.O.P.No.331 of 2019 dated 09.01.2025 on the file of the Motor Accident Claims Tribunal cum Additional District Court, Dindigul, within a period of six weeks from the date of receipt of a copy of this order. The same can be withdrawn by the claimants in the proportion as fixed by the Tribunal. No costs. Consequently, the connected miscellaneous petition is closed.

[N.A.V., J.]

[K.K.R.K., J.]

08.04.2026

NCC :Yes/No

Index :Yes/No

TSG

To

1.The Motor Accident Claims Tribunal cum Additional District Court,
Dindigul.

2.The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court,
Madurai.

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AND
K.K.RAMAKRISHNAN,J.

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