

C.M.A. (MD) No. 565 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 29.04.2026

Delivered on : 25.06.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)No.565 of 2026

and

C.M.P(MD)No.5648 of 2026

1.Tamil Nadu State Transport Corporation,
through its Managing Director,
Kumbakonam Division, Kumbakonam.

2.Tamil Nadu State Transport Corporation,
through its Deputy Manager,
Thanjavur Purnagar Branch,
Maranthai, Thanjavur.

: Appellants

Vs.

1.Amutha

2.Kaviya

3.Pappa

: Respondents

Prayer : This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, against the judgment, dated 25.02.2025 made in M.C.O.P.No.869 of 2024, on the file of the Motor Accident Claims Tribunal cum Special District Court, Thanjavur.



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For Appellants : Mr.S.Micheal Heldon Kumar,

For Respondents : Ms.S.Prabha

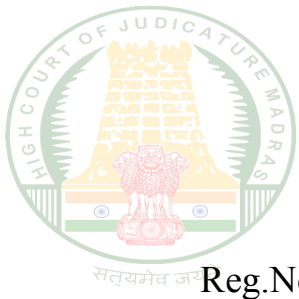
JUDGMENT

The Civil Miscellaneous Appeal is directed against the award passed in M.C.O.P.No.869 of 2024, dated 25.02.2025, on the file of the Motor Accident Claims Tribunal/ Special District Court, Thanjavur.

2. The appellants/ Transport Corporation, who were mulcted with liability to pay compensation of Rs.13,71,600/- with interest and costs to the respondents/claimants, for the death of Baskar, consequent to an accident occurred on 15.03.2023, challenged the liability mulcted on it.

3. For the sake of convenience and brevity, the parties herein after will be referred as per their ranking/status before the Tribunal,

4. The case of the claimant is that on 15.03.2023, the deceased Baskar along with Varatharajan, Ganesan, Gnanavelu and Bala, after completing their tiles fixing work, boarded the bus bearing



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Reg.No.TN-68-N-1032, belonging to the respondent Corporation from Palliagraharam to Kumbakonam and at about 11.30 pm, when the bus was halted near Municipal Pay Toilet, inside the Kumbakonam Bus stand and while the deceased Baskar was alighting through the front entrance, the driver of the bus, without noticing the same, suddenly drove the bus in a rash and negligent manner and turned it towards western side and as a result of which, the said Baskar fell down and the left rear wheel ran over on him; that the said Baskar sustained injuries and he was immediately taken to Government Hospital, Kumbakonam, but the Doctors on examination, declared him brought dead and that the said accident occurred only due to the rash and negligent driving of the bus driver.

5. The defence of the respondent is that when the bus entered into Kumbakonam Bus stand and was moving slowly, the deceased, in an attempt to catch another bus bound to Thirupudaimaruthur, alighted from the moving bus, lost his balance and fell down, thereby inviting the accident and that the deceased alone was responsible for the accident and the bus driver was not at fault.



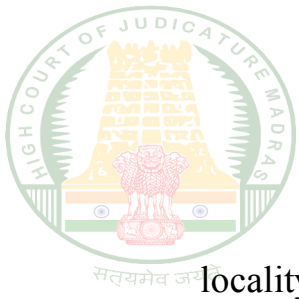
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6. During trial, the claimants examined the first claimant as P.W.1 and one Varatharajan alleged to be the occurrence witness as P.W.2 and exhibited nine documents as Ex.P.1 to Ex.P.9. The respondent adduced neither oral nor documentary evidence.

7. The learned trial Judge, upon considering the pleadings and evidence both oral and documentary and on hearing the arguments of both the sides, passed the impugned award, dated 25.02.2025, holding that the accident was occurred only due to the rash and negligent driving of the bus driver, directed the respondent Corporation to pay compensation of Rs.13,71,600/- with interest and costs. Aggrieved by the said award, the present appeal came to be filed.

8. The learned counsel for the appellants/Corporation would mainly contend that the evidence on record clearly established that the deceased attempted to alight before the bus had fully stopped and in a hurried manner, lost balance and fell down, thereby contributing solely to the accident; that P.W.2, deposed that when the bus was approaching his



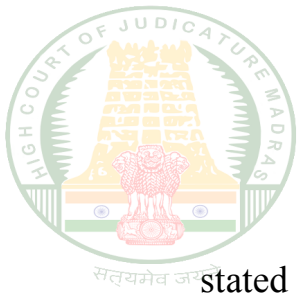
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locality, the deceased became anxious to get down quickly, attempted to alight in haste and slipped due to imbalance ; that the Tribunal erred in mechanically accepting the testimony of P.W.1 and failed to give any finding regarding contributory negligence, despite pleadings and evidence showing that the deceased was himself responsible for the fall by attempting to get down, while the vehicle was still in motion and that therefore, the finding of the Tribunal fixing the entire negligence on the bus driver cannot be sustained and the same is liable to be set aside.

9. The learned counsel for the claimants would submit that the Tribunal, considering the evidence of occurrence witness P.W.2 and in the absence of any contra evidence placed by the respondents, has rightly come to the conclusion that the bus driver alone was responsible for the accident and on that basis, mulcted the liability on the transport corporation and that therefore, the same does not warrant any interference.

10. As already pointed out, the claimants examined P.W.2 Varatharajan, who also accompanied the deceased in the said bus. P.W.2 in his chief examination evidence has reiterated the manner of accident as



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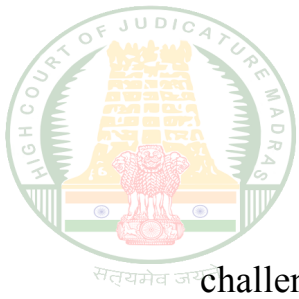
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stated in the claim petition. In his cross examination, P.W.2 has deposed that the deceased was working under him; that the accident was occurred in the bus stop; that he had already alighted from the bus and after him, the deceased while attempting to alight from the bus, the accident had occurred.

11. Moreover, P.W.2 has denied the suggestions that he did not witness the occurrence; that the deceased before stopping of the bus got down hurriedly, lost his balance and invited the accident and that the accident was occurred only due to negligence of the deceased and the bus driver was not at all fault.

12. It is pertinent to note that FIR came to be registered in Crime No.16 of 2023 on the file of the Kumbakonam Traffic Investigation Wing for the offence under Sections 279, 304(A) IPC against the bus driver.

13. It is not the case of the respondents that their driver or their management preferred any complaint before the higher police officials for registering the case against the driver or any other legal action,



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challenging the same. More importantly, as rightly pointed out, though the learned counsel for the respondents have taken a specific stand that their driver was not at all fault and the accident was occurred only due to the negligence of the deceased, they have not examined their bus driver and they have also not chosen to examine the conductor of the bus or any other person, who allegedly witnessed the occurrence. There is absolutely no evidence to infer that the deceased had also contributed to the accident.

14. In the absence of any contra evidence regarding the negligence, the Tribunal considering the evidence available on record, has rightly come to the conclusion that the accident was occurred only due to the rash and negligent driving of the bus driver and as such, the said finding cannot be found fault with.

15. Though the appellants in the grounds of appeal, have stated that the award passed on each and every head are very excessive, they have not elaborated anything further. The appellants have not canvassed any other ground or reason to impugn the award. Consequently, this Court concludes that the appeal is devoid of merits and the same is liable to be dismissed.



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Considering the other facts and circumstances, this Court, further decides that the parties are to be directed to bear their own costs.

16. In the result, this Civil Miscellaneous Appeal is dismissed and award dated 25.02.2025 made in M.C.O.P.No.869 of 2024, on the file of the Motor Accident Claims Tribunal cum Special District Court, Thanjavur, is confirmed. The appellants/Transport Corporation are directed to deposit the entire award amount with accrued interests and costs, within a period of four weeks from the date of receipt of a copy of this order, if not already deposited and on such deposit being made, the claimants are permitted to withdraw their share as apportioned by the Tribunal, with accrued interests and costs. Parties are directed to bear their own costs. Consequently, connected Miscellaneous Petition is closed.

25.06.2026

NCC :yes/No
Index :yes/No
Internet:yes/No
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To

1. The Motor Accident Claims Tribunal
cum Special District Court, Thanjavur.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Pre-delivery order made in
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and
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Dated :25.06.2026