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C.M.A.No.3560 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2025

CORAM:

THE HONOURABLE **Mrs. JUSTICE R.KALAIMATHI**

C.M.A.No.3560 of 2025

and

CMP.No.29492 of 2025

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
(Villupuram) No.3/137, Salamedu,
Vazuthareddy Post,
Villupuram Taluk and District.

... Appellant

vs.

1.Sundaramoorthy
2.Anitha
3.A.Anthonisamy

...Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Award and decree dated 20.09.2024 passed in M.C.O.P.No.548 of 2023 on the file of the Motor Accident Claims Tribunal, Special District Court, Villupuram.

For Appellant : Mr.S.S.Santhosa Kumar

For R2 : Mr.S.Natarajan

JUDGMENT

This Civil Miscellaneous Appeal has been preferred by the respondent/TNSTC, Villupuram, against the Award dated 20.09.2024



C.M.A.No.3560 of 2025

made in M.C.O.P.No.548 of 2013 on the file of Special District Court (to deal with the MCOP cases), Villupuram on the liability issue.

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2. It is the evidence of P.W.2/Anitha that on 08.05.2023 at about 11.30 a.m., while she was riding as pillion along with her daughter on the motorcycle bearing Reg.No.TN.32-BA-4003, which was driven by her brother deceased Ajith kumar along Trichy-Chennai Main Road along the left side of the road and near Saram, Lay-bye, a TNSTC bus bearing Reg.No.TN.32-N.3468, came at a high speed from the same direction and turned left without indicator light on, in order to stop the bus at Motel, hit upon the two wheeler struck at the left rear side tyre, due to which, her brother succumbed to the injuries.

3. Whereas RW1, driver of the said bus would depose that he was proceeding towards Chennai, when he turned to the left side of the road to stop the bus at the Motel, he turned the bus slowly the indicator light on. According to him, it was only the two wheeler that came from behind and hit upon the left rear side tyre, and due to the negligence of the rider of the two wheeler, the accident occurred.

4. From a careful perusal of both sides' evidence, when the two wheeler was proceeding towards Chennai, the rider of the bus, in order



C.M.A.No.3560 of 2025

to stop the vehicle at a Motel on the left side of the road, turned the bus to the left side suddenly from the road. Had he allowed the two wheeler to proceed towards northern direction, and thereafter, if he had turned the bus carefully and cautiously on the left hand side, the accident would have been averted.

5. It is pellucid from the testimony of P.W.1 and R.W.1 that it is the driver of the bus, who, in a rash and negligent manner, turned the bus to the left side in order to stop the bus at Motel, which caused the accident. The Tribunal has also concluded that it was due to the rash and negligent manner driving of the driver of the bus that the accident occurred and liability was correctly fastened upon the employer of the bus, namely, the respondent/Corporation. Therefore, the arguments putforth by the learned counsel for the appellant to the effect that the accident happened because of the rash and negligent manner of driving of the rider of the two wheeler, is incorrect and therefore the finding of the Tribunal does not warrant any interference by this Court.

6. In the result,

(i) The Civil Miscellaneous Appeal stands dismissed.

(ii) Sequel to this, the Award dated 20.09.2024 passed by the Motor Accident Claims Tribunal, Special



WEB COPY



C.M.A.No.3560 of 2025

District Court (to deal with the MCOP cases),
Villupuram in M.C.O.P.No.548 of 2023 stands
confirmed.

iii)The Appellant / Transport Corporation is directed to
deposit the award amount i.e., **Rs.23,45,000/-** (less
the amount already deposited if any) together with
interest at the rate of 7.5% per annum from the date
of claim petition till the date of deposit (excluding
the period of default, if any) and costs to the credit
of M.C.O.P.No.548 of 2023 on the file of Special
District Court, (to deal with MCOP cases)
Villupuram, within a period of eight weeks from the
date of receipt of a copy of this Judgment.

(iv)On such deposit being made, the respondents 1 &
2 /claimants are at liberty to withdraw the same as
per apportionment made by the Tribunal along with
interest and costs after adjusting the amount, if any
already withdrawn by filing necessary application
before the Tribunal.

v)There is no order as to costs. Consequently,
connected miscellaneous petition stands closed.

26.11.2025

Index : Yes/No
Speaking / Non-speaking order
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C.M.A.No.3560 of 2025

R.KALAIMATHI, J.

kkd

To:

The Motor Accident Claims Tribunal,
Special District Court,
Villupuram.

C.M.A.No.3560 of 2025

26.11.2025