

C.M.A(MD)No.373 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 15.04.2026

Pronounced on : 30.04.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)No.373 of 2025

and

C.M.P.(MD)No.6646 of 2025

The Branch Manager,
Tamilnadu State Transport Corporation,
Kumbakonam

: Appellant / Respondent

Vs.

A.Kruppusamy (died)

2.Alamelu

3.Sekar

4.Latha

5.Marimuthu

: Respondents

(Respondents 2 to 5 are brought on record as LR's of the deceased
sole respondent vide Court order, dated 07.03.2025 made in
CMP(MD)No.3768 of 2025 in CMA(M)SRNo.52841 of 2012)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award passed in M.C.O.P.No.439 of 2009 on the file of the Motor Accident Claims Tribunal, I Additional District and Sessions Court (PCR) Thanjavur, dated 16.09.2010.



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C.M.A(MD)No.373 of 2025

For Appellant : Mr.P.M.Vishnuvarthanan,

For Respondents : Mr.S.Jebastin, for R2 to R5.

J U D G M E N T

The Civil Miscellaneous Appeal is directed against the award made in M.C.O.P.No.439 of 2009, dated 16.06.2010, on the file of the Motor Accident Claims Tribunal/I Additional District Court, (PCR), Thanjavur.

2. The appellant/Transport Corporation, who was made liable to pay compensation of Rs.2,10,000/- with interest at 7.5% per annum and costs to the claimant for the disability suffered by him, consequent to an accident occurred on 03.04.2004, challenged the liability mulcted on them and the quantum of compensation awarded at by the Tribunal.

3. The learned counsel for the appellant would submit that they have already deposited a sum of Rs.3,64,650/-. In case, if the Court confirms the award, they may be granted 12 weeks time for depositing the balance amount.



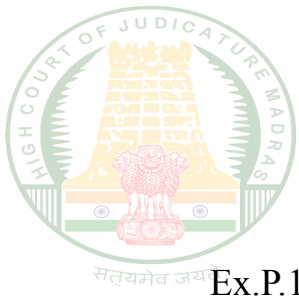
C.M.A(MD)No.373 of 2025

WEB COPY

4. The case of the claimant is that on 03.04.2004 at about 04.00 pm,, when the claimant was proceeding in a motor cycle bearing Reg.No.48-B-9869, along with his friend Veluchamy in Court road, Thanjavur, the respondent's bus bearing Reg.No.TN-49-N0722, which came in the opposite direction in a rash and negligent manner, dashed against the motor cycle and as a result of which, the claimant suffered injuries on his head, hands and legs and 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 appellant/Transport Corporation is that the claimant along with his friend in a drunken mode drove the motor cycle in a rash and negligent manner and attempted to cross the road suddenly without giving any signal and dashed against the bus and invited the accident; that the claimant alone was responsible for the accident and the bus driver was not at all fault and that therefore, the claim petition is liable to be dismissed.

6. During trial, claimant examined himself as P.W.1 and examined Medical Officer Dr.V.Jeyabalan, as P.W.2 and exhibited 8 documents as



C.M.A(MD)No.373 of 2025

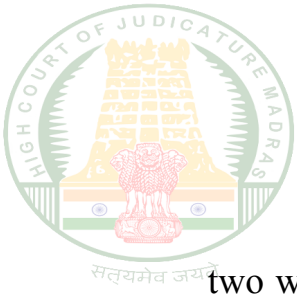
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Ex.P.1 to Ex.P.8. The appellant/Transport Corporation adduced neither oral nor documentary evidence.

7.The learned trial Judge, upon considering the evidence, both oral and documentary and on hearing the arguments of both the sides, passed the impugned award, dated 16.09.2010, holding that the accident was occurred only due to the rash and negligent driving of the bus driver, directed the appellant/Transport Corporation to pay compensation of Rs.2,10,000/- with interest and costs. Aggrieved by the impugned award, the Appellant/Transport Corporation has preferred the present appeal.

8. Heard the learned counsel for the appellant as well as the learned counsel appearing for the respondents 2 to 5.

9. The claimant, in an attempt to prove the mode of accident examined himself as P.W.1 and deposed that when he was proceeding with his friend in his two wheeler bearing Reg.No.TN-48-B-9869 in Court road, near Taluk Office, Thanjavur, the respondent's bus, which came in the opposite direction in a rash and negligent manner, had dashed against his



C.M.A(MD)No.373 of 2025

WEB COPY

two wheeler and as a result of which, he sustained serious injuries and that the accident had occurred only due to the rash and negligent driving of the bus driver.

10. It is not in dispute that FIR came to be registered against the bus driver. As already pointed out, though the Transport Corporation has taken a defence that their driver was not at all fault and the claimant was responsible for the accident, has not chosen to adduce any evidence. They have not even chosen to examine their driver. Absolutely, there is no contra evidence with regard to the mode of accident. Considering the evidence available on record, the Tribunal has rightly come to a finding that the accident was occurred only due to the rash and negligent driving of the bus driver and the same cannot be found fault with.

11. The claimant had sustained four fractures. P.W.2/Medical Officer gave evidence with regard to the nature of injuries sustained and the issuance of disability certificate. The Tribunal considering the evidence on record has held that the claimant has suffered 75% of disability and by fixing the annual income at Rs.30,000/- and by applying the multiplier '8'



C.M.A(MD)No.373 of 2025

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has arrived at the disability compensation at Rs.1,80,000/-. The Tribunal has also awarded Rs.5,000/- towards Medical Expenses; Rs.2,000/- for transportation charges; Rs.5,000/- for extra nourishment and Rs.18,000/- for loss of income; totalling Rs.2,10,000/-.

12. No doubt, the appellant/Transport Corporation has also challenged the quantum of compensation, in the memorandum of grounds. The learned counsel for the appellant would submit that since the accident was occurred in the year 2004 and taking note of the compensation awarded, they are not disputing the quantum of compensation. The appellant has not canvassed any other reason or ground to impugn the award. Consequently, this Court concludes that the appeal is devoid of merits and the same is liable to be dismissed.

13. In the result, this Civil Miscellaneous Appeal is dismissed and award dated 16.09.2010 passed in M.C.O.P.No.439 of 2009 on the file of the Motor Accident Claims Tribunal, I Additional District and Sessions Court (PCR) Thanjavur, is confirmed. The appellant/Transport Corporation is directed to deposit the entire award amount with interest at 7.5% per



C.M.A(MD)No.373 of 2025

WEB COPY

annum from the date of petition till the date of realization to the credit of M.C.O.P.No.439 of 2009 on the file of the Motor Accident Claims Tribunal, I Additional District and Sessions Court (PCR) Thanjavur, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment and on such deposit, the second respondent/wife is entitled to get **Rs.1,35,000/- (Rupees One Lakh Thirty Five Thousand only)** and the respondents 3 to 5 are entitled to get **Rs.25,000/- (Rupees Twenty Five Thousand only)** each. Accordingly, the respondents are permitted to withdraw their shares along with accrued interest and costs, less amount already withdrawn, if any, on due application before the Tribunal. The parties are directed to bear their own costs. Consequently, connected Miscellaneous Petition is closed.

30.04.2026

NCC : Yes/No

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C.M.A(MD)No.373 of 2025

K.MURALI SHANKAR,J.

das

To,

1.Motor Accident Claims Tribunal,
I Additional District and Sessions Court (PCR)
Thanjavur.

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

Pre-delivery order made in
C.M.A(MD)No.373 of 2025
and
C.M.P.(MD)No.6646 of 2025

30.04.2026