IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date of Reserving the Judgment	Date of Pronouncing the Judgment
05.12.2025	**22.01.2026**

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

CMA No. 1300 of 2020
and
C.M.P.No.9323 of 2020

The Managing Director,
TNSTC, Kumbakonam

Appellant(s)

Vs

1.Sathya
2.Minor Krishnapriyan
3.Minor Krishnavsanthan
(2&3) Rep., by next friend mother Sathya)
4.Kaliyamal
5.Palanimuthu

6.The Managing Director,
TNSTC., Kanchipuram District.

Respondents

Prayer:

Civil Miscellaneous Petition filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree made in MACTO.P.No.426 of 2016, on the file of the Motor Accidents Claims Tribunal (III Additional District Judge) at Kallakurichi, dated 31.10.2018.

For Appellant(s): Mr.M.Krishnamoorthy

For Respondent(s): Mr.C.R.Suresh Kumar for R6

No Appearance for RR1 to 5

JUDGMENT

(Judgment of the Court was made by K.KUMARESH BABU., J.)

This Civil Miscellaneous Appeal has been filed against the award dated 31.10.2018 passed in M.C.O.P. No.426 of 2016 by the II Additional District Court, Kallakurichi, wherein compensation was awarded in favour of respondents 1 to 5, who are the legal representatives of the deceased.

2)The facts leading to the filing of the present appeal are that the deceased, Marimuthu, was employed as a Government Teacher and was earning a monthly income of Rs.40,000/-. On the date of the accident, the deceased was traveling as a passenger from Kedilam to Ulundurpet Main Road in the bus belonging to the sixth respondent. While so, the bus of the appellant and the bus of the sixth respondent collided with each other. In the said accident, the deceased was thrown out and was run over by the appellant's bus, resulting in his death on 31.05.2016.

3) The dependants of the deceased filed a claim petition claiming a

compensation of Rs.50,00,000/- before the Motor Accident Claims Tribunal, Kallakurichi. Upon consideration of the oral and documentary evidence, the Tribunal awarded a sum of Rs.72,28,200/- by its award dated 31.10.2018, directing the appellant to pay the compensation. Aggrieved by the said award, the appellant has preferred the present appeal.

4) Heard Mr. M. Krishnamoorthy, learned counsel appearing for the appellant, and Mr. C.R. Suresh Kumar, learned counsel appearing for the sixth respondent.

5) The learned counsel for the appellant contended that the Tribunal failed to properly appreciate that the accident occurred solely due to the rash and negligent driving of the sixth respondent's bus driver. It was further submitted that RW1, who was examined on behalf of the appellant, had categorically deposed that the sixth respondent's bus was driven on the wrong side of the road. According to the learned counsel, the sixth respondent's driver was not examined before the Tribunal, and no adverse inference was drawn against him, which vitiated the finding on negligence.

6) The learned counsel further submitted that the deceased was thrown out of the sixth respondent's bus due to the absence of proper seating

arrangements and safety measures in the said bus. It was contended that the Tribunal failed to consider the aspect of contributory negligence on the part of the sixth respondent and erred in fastening the entire liability on the appellant alone.

7) It was also argued that the Tribunal failed to make proper deductions towards personal and future expenses while computing the compensation, thereby resulting in an excessive award. On these grounds, the learned counsel for the appellant sought interference with the award passed by the Tribunal.

8) Per contra, the learned counsel appearing for the sixth respondent submitted that the Tribunal, after proper appreciation of the evidence on record, had rightly concluded that the negligence was on the part of the appellant's driver. It was contended that the finding of negligence is well supported by the materials on record and does not warrant any interference by this Court.

9) The learned counsel for the sixth respondent further submitted that the compensation awarded by the Tribunal is just and reasonable, and that no grounds have been made out by the appellant for reduction or modification of the award. Hence, he prayed for dismissal of the appeal.

10) I have considered the submissions of the learned counsels for their respective parties and perused the materials available on record. Respondents 1 to 5 / the claimants inspite of notice having been served, name printed in the cause list, were also called absent.

11) This Court has carefully considered the oral and documentary evidence placed on record. RW1, the driver of the appellant–Corporation, in his deposition, has categorically admitted that disciplinary proceedings were initiated against him in connection with the accident in question and that he was punished with stoppage of increment for a period of three years. He has further admitted that an FIR was registered against him for the said accident. These admissions clearly establish negligence on the part of the driver of the appellant.

12) The initiation of departmental proceedings and imposition of punishment against RW1 by the appellant itself lends strong corroboration to the finding of negligence arrived at by the Tribunal. In view of the settled principle that an employer is vicariously liable for the negligent acts of its employee committed during the course of employment, this Court holds that the appellant–Corporation is vicariously liable for the accident caused by its driver.

13) Though the appellant has contended that the sixth respondent was also negligent and sought to attribute contributory negligence, this Court finds that no cogent oral or documentary evidence has been produced to substantiate the said plea. Except for mere assertions, the appellant has failed to establish any act of negligence on the part of the sixth respondent which contributed to the occurrence of the accident. Hence, the plea of contributory negligence raised by the appellant stands rejected.

14) With regard to the challenge made to the quantum of compensation, this Court finds that the appellant has not produced any acceptable material or legal basis to demonstrate that the compensation awarded by the Tribunal is excessive or arbitrary. The arguments advanced on the quantum are confined to bald averments without substantiation by evidence or authoritative legal principles. In the absence of any perversity, illegality, or misapplication of settled principles governing the assessment of compensation, this Court finds no justification to interfere with or modify the quantum of compensation awarded by the Tribunal.

15) Accordingly, this Court finds no perversity or infirmity in the findings of the Tribunal either on the issue of negligence or on the quantum of compensation. The award passed by the Tribunal is just, reasonable, and in accordance with law and warrants no interference by this Court.

In the result, the Civil Miscellaneous Appeal is dismissed and the tribunal award dated 31.10.2018 in M.C.O.P.No.426 of 2016 on the file of the MACT, Kallakurichi is confirmed. Connected miscellaneous petitions are closed. There shall be no order as to costs.

(C.V.K., J.) **(K.B., J.)**
22-01-2026

Pbn
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

To

1. Motor Accidents Claims Tribunal
   (III Additional District Judge) at Kallakurichi

2. The Section Officer,
   VR Section, High Court,
   Madras.

C.V.KARTHIKEYAN, J.
and
K.KUMARESH BABU, J.

Pbn

PRE-DELIVERY JUDGMENT
IN

CMA No. 1300 of 2020
and
C.M.P.No.9323 of 2020

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