

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2026

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CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.614 of 2024

1.Abuthahir

2.Asiq Ahamed

3Maharaj Nisha

..Appellants

.vs.

1.Vijay

2.The New India Assurance Company Limited,
No.594, Obli Towe, D.B.Road, R.S.Puram,
Coimbatore – 641 002 having collection brach
At 184, Coimbatore Main Road, Dasampalayam
Mettupalayam, Tamil nadu 641 301.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, to set aside the order made in MCOP.No.105 of 2022, on the file of the Subordinate Judge cum Motor Accident Claims Tribunal, Mettupalayam, Coimbatore District dated 29.03.2023.

For Appellants : Mr.C.Kulanthaivel

For Respondents : Mr.S.Arun Kumar for R2



JUDGMENT

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This appeal has been filed challenging the Award passed by the MACT, Subordinate Judge, Mettupalayam, Coimbatore, in MCOP No.105 of 2022, dated 29.03.2023, wherein, the claimants are seeking for enhancement of compensation.

2.The 1st and 2nd claimants are the brothers and the 3rd claimant is the sister of the deceased Aneefa @ Sahana, who is a transgender.

3.The case of the claimants is that the deceased was attempting to get into a bus on 03.09.2022 at 3.20 p.m., and without noticing the same, the driver of the bus started the vehicle and as a result, the deceased fell down and the bus ran over her and she died on the spot. It is under these circumstances, the claim petition has been filed before this Court.

4.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place due to the negligence on the part of both driver and conductor of the bus and as well as the deceased. Consequently, the Tribunal finds contributory negligence of 30% on the deceased.



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5. Having rendered the above finding, the Tribunal fixed the total compensation at Rs.16,77,000/- under various heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of Income	15,12,000
Loss of Estate	16,500
Loss of Love and Affection (3 x 44,000)	1,32,000
Funeral Expenses	16,500
Total Compensation	16,77,000
30% contributory negligence	5,03,100
	11,73,900
Rounded off	11,74,000

7. The Tribunal directed 30% contributory negligence on the deceased and hence, it was deducted and the balance of Rs.11,74,000/- was directed to be paid as compensation to the claimants, along with interest at the rate of 7.5% per annum.

8. Aggrieved by the same, the claimants have filed the present appeal seeking for enhancement of compensation.



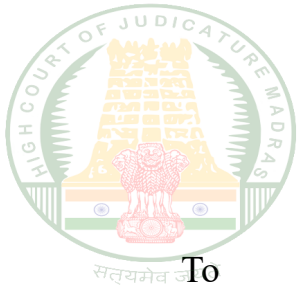
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9. Heard the learned counsel for the appellants and the learned counsel appearing on behalf of the respondents.

10. In the considered view of this Court, taking note of the pleadings in the claim petition to the effect that the deceased, who was a transgender, was eking her livelihood mainly by begging in public and further taking note of the fact that the claimants are the brothers and sister of the deceased, who were living at a different place, and also taking note of the fact that the compensation amount has already been deposited and withdrawn, this Court is not inclined to interfere with the Award passed by the Tribunal. Hence, the Award passed by the Tribunal in MCOP No.105 of 2022 dated 29.02.2023, is sustained and the Civil Miscellaneous Appeal stands dismissed. No Costs.

15.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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To
The Subordinate Judge cum Motor Accident Claims Tribunal,
Mettupalayam, Coimbatore District



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N. ANAND VENKATESH., J

SSR

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