

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CMA No. 2432 of 2023 and CMA No. 573 of 2024

and

CMP No. 5627 of 2024

CMA No.2432 of 2023

1. D.Malathi
M/o.D.Malini (Late)

2. K.Durairajan
F/o.D.Malini (Late)

...Appellant(s)

.Vs.

1. Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
Tiruppur Region, Rep.by its Managing
Director, CMBT. Koyembedu,
Chennai 107.

2.V.Mythili
W/o.Vimalkumar

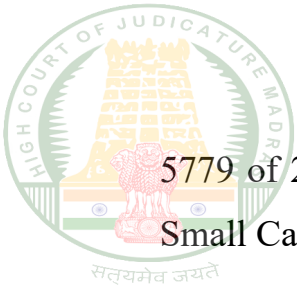
3.The New India Assurance Co.,Ltd.,
Motor Third Party Claims Office,
No.232, N.S.C.Bose Road, 6th Floor,
Chennai -600 001.

(R-2 ex-parte in Lower Court)

...Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 18.04.2023 in MCOP.No.



5779 of 2017 on the file of the Motor Accidents Claims Tribunal, IV Court of Small Causes, Chennai.

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For Appellant(s): Mr.G.Balaji Prasad

For Respondent(s): Mr.M.Murali Vinodh for R1

S.R.Sundar for R3

CMA No. 573 of 2024

Tamil Nadu State Transport
Corporation (Coimbatore) Ltd,
Tirupur Region Rep by its Managing
Director, C.M.B.T., Chennai.

Appellant(s)

Vs

1. D.Malathi
M/o. D. Malini

2.K. Durai Rajan,
F/o. D. Malini

3.V. Mythili
W/o. Vimal Kumar

4.The New India Assurance Co. Ltd
Motor Third Party Claims Office, No.
232, N.S.C. Bose Road, 6th Floor,
Chennai - 600 001.

Respondent(s)

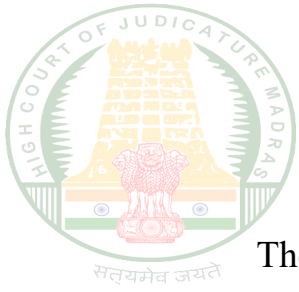
PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 18.4.2023 in MCOP No. 5779 of 2017 on the file of the Motor Accidents Claims Tribunal, IV Court of Small Causes, Chennai.

For Appellant(s): Mr.M.Murali Vinodh

For Respondent(s): Mr.G.Balaji Prasad for R1 & R2

Mr.S.R.Sundar for R4

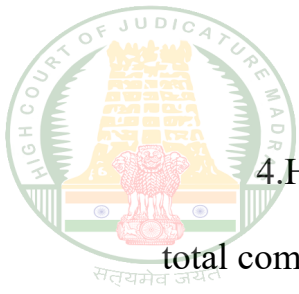


COMMON JUDGMENT

These appeals arise out of the award passed by the Motor Accidents Claims Tribunal, IV Court of Small Causes, Chennai in MCOP No. 5779 of 2017 dated 18.04.2023. CMA No.573 of 2024 has been filed by the Transport Corporation and CMA No.2432 of 2023 has been filed by the claimants seeking for enhancement of compensation.

2.The claimants are the parents of the deceased D.Malini. The case of the claimants is that on 14.07.2017, the deceased and her father were travelling in a bus belonging to the Transport Corporation on the Trichy - Thanjavur Main Road. When the bus was proceedings at Vallam-Aalakudi overbridge at about 19.00 hours, a Tata ace van was carrying long-sized metal plates which was protruding from the rear side and it collided with the bus. As a result, the metal plates smashed the front windscreen of the bus and pierced the body of the deceased D.Malini and she died on the spot inside the bus. It is under these circumstances, the claim petition came to be filed before the Tribunal.

3.The Tribunal, on considering the facts and circumstances of the case and on appreciation of evidence came to a conclusion that there was negligence both on the part of the driver of the bus belonging to the Transport Corporation as well as the driver of the Tata ace vehicle and accordingly fixed 50% negligence on each of the driver.



4. Having rendered the above finding, the Tribunal proceeded to fix the total compensation at Rs.20,92,100/- under the following heads:

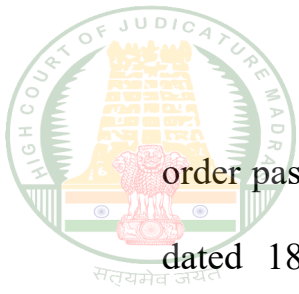
<i>Sl.No</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1	Loss of dependency	19,65,600/-
2	Loss of Consortium	88,000/-
3	Loss of Estate	16,500/-
4	Funeral Expenses	16,500/-
5	Transportation Expense	5,500/-
	Total :	20,92,100/-

The above compensation was directed to be paid along with interest at the rate of 7.5% per annum. Out of which, 50% was payable by the Transport Corporation and 50% was payable by the Insurance Company. Aggrieved by the same, the Transport Corporation as well as the claimants have filed these appeals.

5. Heard the learned counsel for the appellants and the learned counsel for the respondents.

6. This Court has carefully considered the submissions made on either side and the materials available on record.

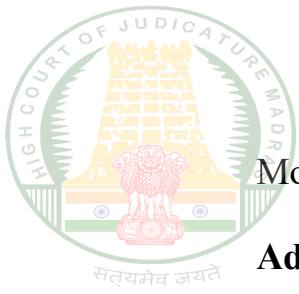
7. Insofar as the issue of negligence that was raised on the side of the Transport Corporation is concerned, it is seen that it is covered by the earlier



order passed by the Division Bench in CMA Nos.1243 of 2023 and 62 of 2022 dated 18.08.2023. The Division Bench of this Court on considering the evidence, held that 65% of negligence has to be fixed on the Tata ace goods vehicle and 35% was fixed on the bus belonging to the Transport Corporation.

8.The above finding rendered by the Division Bench virtually clinches the issue and it has to be merely followed by me in these appeals. Accordingly, this Court by following the order passed by the Division Bench holds that the contributory negligence on the part of the driver of the Tata ace goods vehicle is fixed at 65% and the negligence on the part of the driver of the bus belonging to the Transport Corporation is fixed at 35%.

9.The next issue is regarding the compensation fixed by the Tribunal. In the case in hand, the deceased was a college going girl who was aged about 19 years at the time of her demise. She was undergoing engineering course and she was in her third year. Unfortunately, the parents lost their only child due to the accident. The Tribunal, while fixing the compensation under the head loss of dependency, fixed the notional monthly income of the deceased at Rs.13,000/-. This Court considering the fact that the accident had taken place in the year 2017 and the deceased was the only daughter who was undergoing engineering course, is inclined to fix notional monthly income at Rs.18,500/-. Accordingly, the compensation under the head of 'loss of dependency' is calculated as follows:



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Monthly Income	: Rs.18,500/-
Add: 40% future prospects	: 7,400/-

	Rs.25,900/-
Annual Income	x 12

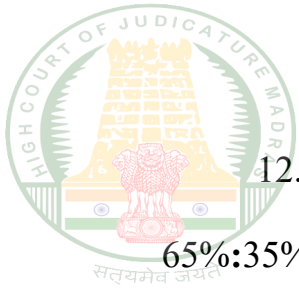
	Rs.3,10,800/-
Multiplier	x 18

Total	: Rs.55,94,400/-
Less: Personal Expenses (½)	: Rs.27,97,200/-

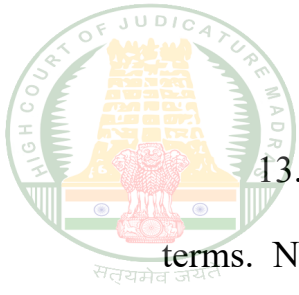
10.The compensation that has been fixed under the other heads are just and reasonable and it does not require the interference of this Court.

11.In the light of the above discussion, the compensation fixed by the Tribunal is modified as follows:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount awarded by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1	Loss of dependency	19,65,600/-	27,97,200/-
2	Loss of Consortium	88,000/-	88,000/-
3	Loss of Estate	16,500/-	16,500/-
4	Funeral Expenses	16,500/-	16,500/-
5	Transportation Expense	5,500/-	5,500/-
	Total :	20,92,100/-	29,23,700/-



12. The above compensation amount has to be paid in the proportion of 65%:35% by the Insurance Company and the Transport Corporation respectively along with interest at the rate of 7.5% p.a. Insofar as the Insurance Company is concerned, they have deposited the compensation amount fixed by the Tribunal. In view of the same, the modified compensation amount fixed by this Court shall be deposited by the Insurance Company after deducting the compensation amount already deposited, within a period of four (4) weeks from the date of receipt of a copy of this judgment. Insofar as the Transport Corporation is concerned, they have deposited 50% of their liability. Hence, the Transport Corporation shall deposit the modified compensation fixed by this Court after deducting the compensation amount already deposited within a period of six (6) weeks from the date of receipt of copy of this judgment. On such deposit, the claimants will be entitled to withdraw the same.



13. Both the Civil Miscellaneous Appeals are partly allowed in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

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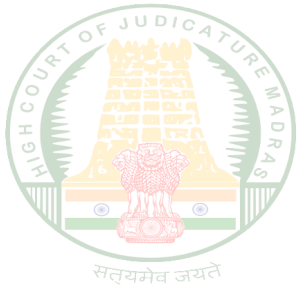
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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N.ANAND VENKATESH J.

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To

The Motor Accidents Claims Tribunal,
IV Court of Small Causes, Chennai.

**CMA No. 2432 of 2023
and CMA No. 573 of 2024**

20-07-2026