



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal Nos.422 & 698 of 2024

and

C.M.P.No.4443 of 2024

C.M.A.No.422 of 2024

The Managing Director,
Tamil Nadu Transport Corporation Ltd.,
Villupuram.
No.3/137, Salamedu, Valudhareddy Post,
Pin-605 602.

..Appellant

Vs

1. Yasotha
W/o.Sivakumar
2. Vijay
S/o.Sivakumar
3. Priya
D/o.Sivakumar
4. Ajithkumar
S/o.Sivakumar

..Respondents

C.M.A.No.422 of 2024

1. Yasotha
W/o.Sivakumar
2. Vijay
S/o.Sivakumar
3. Priya
D/o.Sivakumar



4. Ajithkumar
S/o.Sivakumar

..Appellants

Vs

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The Managing Director
Tamilnadu State Transport Corporation Ltd.,
Villupuram No.3/137, Salamedu, Valudhareddy
Post, Pin-605602

..Respondent

Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment dated 21.09.2022 made in MCOP No.1105 of 2021 on the file of the Motor Accident Claims Tribunal, Special District Court for Motor Accident Claims Cases, Krishnagiri.

For Appellant in
C.M.A.No.422/2024
& respondent in
C.M.A.No.608 of 2024 : Mr.C.R.Sureshkumar

For Respondents in
C.M.A.No.422/2024
& appellants in
C.M.A.No.608 of 2024 : Mr.S.P.Yuaraj

COMMON JUDGMENT

C.M.A.No.422 of 2024 has been filed by the transport corporation against the award dated 21.09.2022 passed in MCOP No.1105 of 2021 on the file of the Motor Accidents Claims Tribunal, Special District Court, Krishnagiri. questioning the quantum of compensation fixed by the Tribunal. C.M.A.No.698 of 2024 has been filed by the claimants seeking enhancement of compensation.

2. The first claimant is the wife and claimants 2 to 4 are children of the



deceased. The case of the claimants is that on 02.04.2021, the deceased was riding a two wheeler at Mathur to Krishnagiri National Highways Road and at about 16.30 hours, near Bharathakovil, a bus belonging to the transport corporation, came in the opposite direction in a rash and negligent manner and dashed against the two wheeler as a result of which the deceased was thrown out of the vehicle and died on the spot. A First Information Report came to be registered in Crime No.109 of 2021 against the driver of 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 oral and documentary evidence, came to a conclusion that the accident had taken place due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered the above finding, the Tribunal proceeded to determine the compensation amount in the following manner:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of dependency	17,55,000/-
2.	Loss of consortium	1,76,000/-
3.	Loss of estate	16,500/-
4.	Funeral expenses	16,500/-
	Total	19,64,000/-

The above compensation was directed to be paid along with interest at 7.5% p.a.



Aggrieved by the same, the transport corporation has filed C.M.A.No.422 of 2024 questioning the quantum of compensation and the claimant has filed C.M.A.No.698 of 2024 seeking enhancement of compensation.

4. Heard learned counsel for claimants and learned counsel for transport corporation. This Court also considered the materials available on record and carefully went through the award passed by the Tribunal.

5. The main ground raised on the side of the transport corporation is that the deceased was not wearing a helmet and also did not possess a valid driving license and there was certainly contributory negligence on the part of the deceased, which was not taken into consideration by the Tribunal. Insofar as claimants are concerned, they are questioning the compensation fixed under the head 'loss of dependency' and are seeking enhancement of compensation.

6. Insofar as negligence is concerned, the Tribunal had taken into consideration the eye witness account of PW-2 and also the evidence of RW-1, who was the driver of the bus. On appreciation of evidence, the Tribunal came to a conclusion that the entire negligence was on the part of the driver of the bus and therefore, fixed the entire negligence on the driver of the bus. The Tribunal did not find any ground to attribute contributory negligence against the deceased. The Tribunal, while coming to such a conclusion, took into



consideration the evidence of PW-2, who states that the deceased was wearing a helmet. The Tribunal also rendered a finding that the transport corporation did not take any steps to summon the Regional Transport Officer and other police officials to establish the fact that the deceased did not possess a valid driving license. The above finding rendered by the Tribunal does not suffer from perversity warranting interference of this Court. Hence, this Court confirms the finding of the Tribunal on the issue of negligence.

7. Insofar as quantum of compensation is concerned, it is seen that the deceased had left his wife and three children and the accident had taken place in the year 2021. The specific case of the claimants is that the deceased was a coconut tree climber and agriculturist. Considering the same, this Court is inclined to fix the notional monthly income at Rs.17,500/-. Accordingly, the compensation under the head 'loss of dependency' is calculated as follows:

Monthly Income	:	Rs. 17,500/-
Add: 25% future prospects	:	Rs. 4,375/-

		Rs. 21,875/-
Less: Personal expenses (1/4)	:	Rs. 5,469/-

		Rs. 16,406/-
		x 12

Annual income	:	Rs. 1,96,872/-
Multiplier	:	x 13

Loss of dependency	:	Rs.25,59,336/-

8. The compensation awarded under the other heads are just and



reasonable and do not require the interference of this Court.

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9. In the light of the above discussion, this Court modifies the compensation in the following manner:

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Loss of dependency	17,55,000/-	25,59,336/-
2.	Loss of consortium	1,76,000/-	1,76,000/-
3.	Loss of estate	16,500/-	16,500/-
4.	Funeral expenses	16,500/-	16,500/-
	Total	19,64,000/-	27,68,336/-

10. The compensation awarded by the Tribunal at Rs.19,64,000/- is enhanced to Rs.27,68,336/-. The transport corporation is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of six (6) weeks from the date of receipt of this judgment. On such deposit, the claimants are entitled to withdraw their respective share on due application. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. The guidelines issued by the Division Bench of this Court in C.M.A.No.2064 of 2026, dated 08.07.2026 shall be strictly complied with



respect to disbursement of compensation amount to the claimants.

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In the result,

(i) C.M.A No.422 of 2024 is dismissed.

(ii) C.M.A No.698 of 2024 is partly allowed.

No costs. Consequently, connected miscellaneous petition is closed.

29-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

The Motor Accident Claims Tribunal,

Special District Court for Motor Accident Claims Cases,

Krishnagiri.



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CMA Nos.422 & 698 of 2



N.ANAND VENKATESH, J.

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Civil Miscellaneous Appeal Nos.422 & 698 of 2024

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