



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.2144 of 2026
and CMP No.16357 of 2026

The Managing Director
Tamil Nadu State Transport
Corporation (Coimbatore) Division I
37, Mettupalayam Road
Coimbatore 641 043.

..Appellant

.Vs.

- 1.K.Venkateswari
W/o.Krishnasamy
- 2.K.Nagaraj
S/o.Krishnasamy
- 3.R.Babuji
S/o.Raman
- 4.Maheswari
W/o. Shanmugam

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award dated 20.06.2023 in MCOP No.107 of 2021, on the file of the Motor Accident Claims Tribunal, IV Additional District Judge, Coimbatore.

For Appellant : Mr.M.Murali Vinodh
For Respondents : Mr.MA.P.Thangavel for R1 & R2



JUDGMENT

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This appeal has been filed by the State Transport Corporation against the award passed by the Motor Accident Claims Tribunal, IV Additional District Judge, Coimbatore, passed in MCOP No.107 of 2021 dated 20.06.2023.

2.The 1st respondent is the wife and the 2nd respondent is the son of the deceased Krishnasamy. The case of the claimants is that the deceased Krishnasamy who was aged about 74 years was travelling in a two wheeler and was coming from Athipalayam. On 25.11.2019 at about 11.30 a.m. when he came near Periyanaickenpalayam Junction, the offending vehicle namely the bus belonging to the Transport Corporation was driven in a rash and negligent manner and it hit the two wheeler as a result of which the deceased was thrown out of the vehicle and he succumbed to the injuries on 26.11.2017. An FIR came to be registered in Crime No.448 of 2019. It is under these circumstances, the claim petition came to be filed before the Tribunal. In the claim petition, the daughter of the deceased was also impleaded as the 3rd respondent.

3.The Tribunal, on considering the facts and circumstances of the case and on appreciation of evidence, came to a conclusion that the accident had



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taken place only due to the rash and negligent driving on the part of the driver of the bus belonging to the State Transport Corporation. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.5,13,867/- under various heads as follows:

Sl.No.	Compensation awarded under the head	Amount (in Rs.)
1.	Monthly Income (monthly income+future prospects 5%) (Rs.7,850+Rs.392.50/-)	8,242.50
2.	Annual Income (Rs.8,242 x 12)	98,910/-
3.	Loss of Dependency after applying multiplier 5 (Rs.98,910/- x 5)	4,94,550/-
4.	Compensation	
(i)	Loss of dependency	4,94,550/-
(ii)	Funeral Expenses	15,000/-
(iii)	Loss of Estate	
(iv)	Loss of consortium to the petitioners at Rs.40,000/- per head as per the Division Bench of Hon'ble High Court of Madras laid down in 2021 (2) TNMAC	80,000/-
	Total	6,04,550/-
5.	As dictum 2021 (1) TNMAC 451 wherein non possession of driving licence by claimant to drive Two-wheeler Hon'ble High Court has fixed 15% on the part of the claimant for driving vehicle without Driving licence and for driving the motor cycle without insurance.	90,683/-
	Total Award Amount	5,13,867/-

The above compensation was directed to be paid along with interest at the rate of 7.5.% p.a. Aggrieved by the same, the Transport Corporation has filed



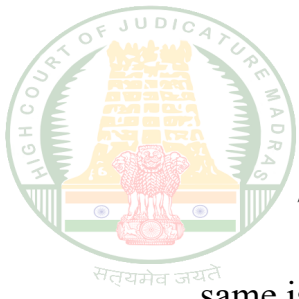
the present appeal questioning the quantum of compensation fixed by the Tribunal.

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4. Heard learned counsel for appellant and learned counsell for respondents.

5. The main ground that was urged on the side of the appellant Transport Corporation is that the compensation fixed by the Tribunal towards 'loss of income' is on the higher side. The further contention is that the deceased did not have a valid driving and therefore the Tribunal ought to have attributed contributory negligence against the deceased.

6. On carefully going through the award passed by the Tribunal, it is seen that the Tribunal has assigned proper reasons while fixing the quantum of compensation towards 'loss of income'. The Tribunal found that the deceased Krishnasamy was a pensioner and was drawing a pension of nearly Rs.13,000/- per month. Hence, half (1/2) of the pension was taken into account while calculating the loss of income. The Tribunal had adopted five multiplier and has properly determined the compensation and the same does not require the interference of this Court.



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7. Insofar as the compensation under the other heads are concerned, the same is just and proper and it does not require the interference of this Court.

8. Insofar as the issue of contributory negligence is concerned, just because the rider of the two wheeler did not possess a valid driving license or the two wheeler was not covered under a policy, the same will not automatically result in attributing negligence against the deceased. Useful reference can be made to the judgment of the Apex Court in Dinesh Kumar J. @ Dinesh J, vs National Insurance Co. Ltd., reported in (2018) 1 SCC 750.

9. In the light of the above judgment, the award passed by the Tribunal does not require the interference of this Court and the same is sustained. This appeal stands dismissed. There shall be a direction to the appellant Transport Corporation to deposit the entire amount along with accrued interest within a period of six (6) weeks from the date of receipt of copy of this judgment. On such deposit, the respondents 1 and 2 shall be permitted to withdraw in the proportion fixed by the Tribunal. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

02.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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N. ANAND VENKATESH., J

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To

The Motor Accident Claims Tribunal
IV Additional District Judge, Coimbatore.

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