

C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 20.04.2026

PRONOUNCED ON: 25.06.2026

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)Nos.239 to 245 of 2024

and

**C.M.P.(MD)Nos.2994, 2995, 2996, 2998, 3018, 3019, 3020, 9863, 9865,
9892, 9894, 9897, 9900, 10882 and 10884 of 2024**

C.M.A.(MD)No.239 of 2024:

The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai Div.,II)Ltd.,
Tirunelveli.

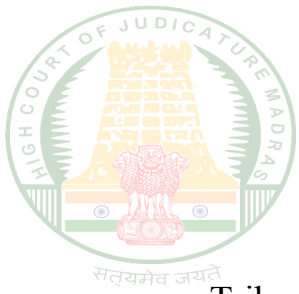
: Appellant/1st Respondent

Vs.

1.P.J.Saravanan
2.T.B.Sabeetha Devi
3.S.B.Sakila
4.K.S.Anitha

: Respondents 1 to 4/Petitioners

5.G.R.Sathiyamoorthy
(Memo dated 10.03.2026 in USR No.
10015 filed in C.M.A.(MD)Nos.
239 to 245 of 2024 are recorded to
the effect that notice to R.5 is dispensed
with, as he remained exparte before the



C.M.A(MD)Nos.239 to 245 of 2024

Tribunal, vide common order dated
23.03.2026)

6. The Branch Manager,
M/s Cholamandalam MS General Insurance
Co., Ltd.,
3-4-First Floor, Dindigul Highway Road,
Opp. Mappilai Vinayagar Theatre,
Madurai – 625 016. : Respondents 5 & 6/
Respondents 2 & 3

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the
Motor Vehicles Act,1988 against the award passed in M.C.O.P.No.157 of
2017, dated 13.10.2022, on the file of the Motor Accident Claims
Tribunal cum Special District Court, Madurai.

For Appellant : Mr.S.Micheal Heldon Kumar

For Respondents :Mr.C.M.Arumugam
for R.1 to R.4

: Ms.K.R.Shivashankari
for R.6

: R.5 – dispensed with

C.M.A.(MD)No.240 of 2024:

The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai Div.,II)Ltd.,
No.19, Trivandrum Road, Vannarpettai,
Tirunelveli. : Appellant/1st Respondent



C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

Vs.

1.K.G.Janarthanan

2.K.J.Sathyabama

: Respondents 1 & 2/Petitioners

5.G.R.Sathiyamoorthy

(Memo dated 10.03.2026 in USR No.

10015 filed in C.M.A.(MD)Nos.

239 to 245 of 2024 are recorded to

the effect that notice to R.3 is dispensed

with, as he remained exparte before the

Tribunal, vide common order dated

23.03.2026)

4. The Branch Manager,

M/s Cholamandalam MS General Insurance

Co., Ltd.,

3-4-First Floor, Dindigul Highway Road,

Opp. Mappilai Vinayagar Theatre,

Madurai – 625 016.

: Respondents 3 & 4/

Respondents 2 & 3

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act,1988 against the award passed in M.C.O.P.No.161 of 2017, dated 13.10.2022, on the file of the Motor Accident Claims Tribunal cum Special District Court, Madurai.

For Appellant : Mr.S.Micheal Heldon Kumar

For Respondents :Mr.C.M.Arumugam
for R.1 and R.2

: Ms.K.R.Shivashankari
for R.4

: R.3 – dispensed with



C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

C.M.A.(MD)No.241 of 2024:

The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai Div.,II)Ltd.,
No.19, Trivandrum Road, Vannarpettai,
Tirunelveli. : Appellant/1st Respondent

Vs.

1.T.B.Sabeetha Devi
2.T.B.Karthick
3.T.B.Suresh Babu
4.S.Sakunthala : Respondents 1 to 4/Petitioners

5.G.R.Sathiyamoorthy
(Memo dated 10.03.2026 in USR No.
10015 filed in C.M.A.(MD)Nos.
239 to 245 of 2024 are recorded to
the effect that notice to R.5 is dispensed
with, as he remained exparte before the
Tribunal, vide common order dated
23.03.2026)

6. The Branch Manager,
M/s Cholamandalam M/s General Insurance
Co., Ltd.,
3-4-First Floor, Dindigul Highway Road,
Opp. Mappilai Vinayagar Theatre,
Madurai – 625 016. : Respondents 5 & 6/
Respondents 2 & 3

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the
Motor Vehicles Act,1988 against the award passed in M.C.O.P.No.162 of
2017, dated 13.10.2022, on the file of the Motor Accident Claims
Tribunal cum Special District Court, Madurai.



C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

For Appellant : Mr.S.Micheal Heldon Kumar

For Respondents :Mr.C.M.Arumugam
for R.1 to R.4

: Ms.K.R.Shivashankari
for R.6
: R.5 – dispensed with

C.M.A.(MD)No.242 of 2024:

The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai Div.,II)Ltd.,
No.19, Trivandrum Road, Vannarpettai,
Tirunelveli. : Appellant/1st Respondent

Vs.

1.B.Sabeetha Devi : 1st Respondents /Petitioner

2.G.R.Sathiyamoorthy
(Memo dated 10.03.2026 in USR No.
10015 filed in C.M.A.(MD)Nos.
239 to 245 of 2024 are recorded to
the effect that notice to R.2 is dispensed
with, as he remained exparte before the
Tribunal, vide common order dated
23.03.2026)

3. The Branch Manager,
M/s Cholanmandalam M/s General Insurance
Co., Ltd.,
3-4-First Floor, Dindigul Highway Road,
Opp. Mappilai Vinayagar Theatre,
Madurai – 625 016. : Respondents 2 & 3/
Respondents 2 & 3



C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act,1988 against the award passed in M.C.O.P.No.163 of 2017, dated 13.10.2022, on the file of the Motor Accident Claims Tribunal cum Special District Court, Madurai.

For Appellant : Mr.S.Micheal Heldon Kumar

For Respondents :Mr.C.M.Arumugam
for R.1

: Ms.K.R.Shivashankari
for R.3

: R.2 – dispensed with

C.M.A.(MD)No.243 of 2024:

The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai Div.,II)Ltd.,
No.19, Trivandrum Road, Vannarpettai,
Tirunelveli. : Appellant/1st Respondent

Vs.

1.T.B.Karthick : 1st Respondents /Petitioner

2.G.R.Sathiyamoorthy
(Memo dated 10.03.2026 in USR No.
10015 filed in C.M.A.(MD)Nos.
239 to 245 of 2024 are recorded to
the effect that notice to R.2 is dispensed
with, as he remained exparte before the
Tribunal, vide common order dated
23.03.2026)



C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

3. The Branch Manager,
M/s Cholamandalam M/s General Insurance
Co., Ltd.,
3-4-First Floor, Dindigul Highway Road,
Opp. Mappilai Vinayagar Theatre,
Madurai – 625 016. : Respondents 2 & 3/
Respondents 2 & 3

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the
Motor Vehicles Act,1988 against the award passed in M.C.O.P.No.156 of
2017, dated 13.10.2022, on the file of the Motor Accident Claims
Tribunal cum Special District Court, Madurai.

For Appellant : Mr.S.Micheal Heldon Kumar

For Respondents :Mr.C.M.Arumugam
for R.1

: Ms.K.R.Shivashankari
for R.3

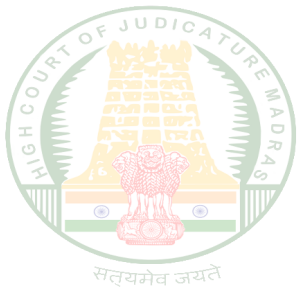
: R.2 – dispensed with

C.M.A.(MD)No.244 of 2024:

The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai Div.,II)Ltd.,
No.19, Trivandrum Road, Vannarpettai,
Tirunelveli. : Appellant/1st Respondent

Vs.

1.B.Sabeetha Devi : 1st Respondents /Petitioner



C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

2.G.R.Sathiyamoorthy
(Memo dated 10.03.2026 in USR No.
10015 filed in C.M.A.(MD)Nos.
239 to 245 of 2024 are recorded to
the effect that notice to R.2 is dispensed
with, as he remained exparte before the
Tribunal, vide common order dated
23.03.2026)

3. The Branch Manager,
M/s Cholamandalam M/s General Insurance
Co., Ltd.,
3-4-First Floor, Dindigul Highway Road,
Opp. Mappilai Vinayagar Theatre,
Madurai – 625 016. : Respondents 2 & 3/
Respondents 2 & 3

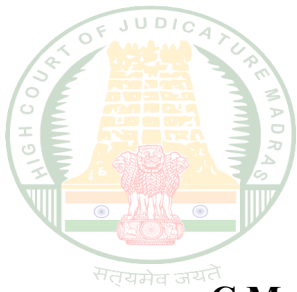
PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the
Motor Vehicles Act,1988 against the award passed in M.C.O.P.No.160 of
2017, dated 13.10.2022, on the file of the Motor Accident Claims
Tribunal cum Special District Court, Madurai.

For Appellant : Mr.S.Micheal Heldon Kumar

For Respondents :Mr.C.M.Arumugam
for R.1

: Ms.K.R.Shivashankari
for R.3

: R.2 – dispensed with



C.M.A(MD)Nos.239 to 245 of 2024

C.M.A.(MD)No.245 of 2024:

WEB COPY

The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai Div.,II)Ltd.,
No.19, Trivandrum Road, Vannarpettai,
Tirunelveli 627 003 : Appellant/1st Respondent

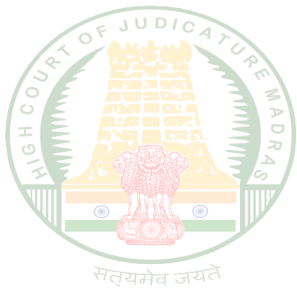
Vs.

1.T.B.Suresh Babu : 1st Respondents /Petitioner

2.G.R.Sathiyamoorthy
(Memo dated 10.03.2026 in USR No.
10015 filed in C.M.A.(MD)Nos.
239 to 245 of 2024 are recorded to
the effect that notice to R.2 is dispensed
with, as he remained exparte before the
Tribunal, vide common order dated
23.03.2026)

3. The Branch Manager,
M/s Cholamandalam M/s General Insurance
Co., Ltd.,
3-4-First Floor, Dindigul Highway Road,
Opp. Mappilai Vinayagar Theatre,
Madurai – 625 016. : Respondents 2 & 3/
Respondents 2 & 3

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the
Motor Vehicles Act,1988 against the award passed in M.C.O.P.No.164 of
2017, dated 13.10.2022, on the file of the Motor Accident Claims
Tribunal cum Special District Court, Madurai.



WEB COPY



C.M.A(MD)Nos.239 to 245 of 2024

For Appellant : Mr.S.Micheal Heldon Kumar

For Respondents :Mr.C.M.Arumugam
for R.1

: Ms.K.R.Shivashankari
for R.3

: R.2 – dispensed with

COMMON JUDGMENT

These Civil Miscellaneous Appeals are directed against the common order passed in M.C.O.P.Nos.156, 157, 160, 161, 162, 163 and 164 of 2017, dated 13.10.2022, on the file of the Motor Accident Claims Tribunal / Special District Court to deal with the M.C.O.P., cases, Madurai.

2. The appellant/Transport Corporation, who was mulcted with the liability to pay compensation to the claimants in M.C.O.P.Nos.156/2017, 160 of 2017 and 164 of 2017, who sustained injuries in the accident and to the claimants in M.C.O.P.Nos.157, 161, 162 and 163 of 2017 for the death of Jothi, Vigneshbabu, Babu and Lakshmi Priya respectively,



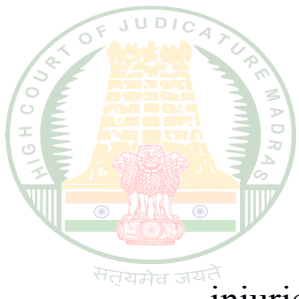
C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

consequent to an accident occurred on 07.08.2016, challenged the liability mulcted on it.

3. For the sake of convenience and brevity, the parties will hereinafter be referred as per their status/ranking in the original petition.

4. The case of the claimants is that on 07.08.2016 at about 16.45hours, the claimants in M.C.O.P.Nos.156, 160 and 164 of 2017 and their family members were returning in TATA A ACE MAGIC vehicle bearing Registration No.TN-64-K-9810 back to Madurai from Kuttralam after seasonal bath and while proceeding in Kollam to Madurai Road, Balamarthandapuram Vilakku South side curve, north of Nainakaram below the river bridge from West to East direction on the extreme left side of the road, a bus bearing Registration No.TN-67-N-0606 which came in a rash and negligent manner from North to South direction without sounding horn proceeded on the western side of the road and dashed against the TATA ACE MAGIC vehicle and as a result of which, four persons in the said vehicle had died and three others had sustained



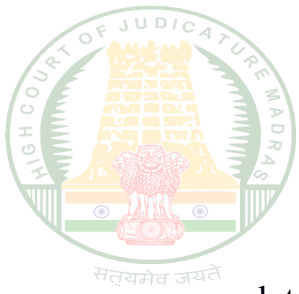
C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

injuries and that the accident was occurred only due to the rash and negligent driving of the bus driver.

5. The defence of the first respondent/Transport Corporation is that the bus driver after noticing the TATA ACE MAGIC vehicle coming in a rash and negligent manner from North to South direction, he controlled his speed and turned the bus towards left side of the road, but the TATA ACE MAGIC vehicle driver unable to control his speed, dashed against the front left side of the bus and caused the accident and that therefore, the bus driver was not responsible for the accident and as such, the first respondent is not liable for the claim.

6. The learned Counsel for the appellant/Transport Corporation would submit that though the F.I.R., was originally registered against the bus driver and after completing the investigation, the jurisdictional police has filed the final report holding that the TATA ACE MAGIC vehicle driver alone was responsible for the accident, that the Tribunal without considering the charge sheet filed against the driver of the TATA ACE MAGIC vehicle and the other evidence produced, has erroneously



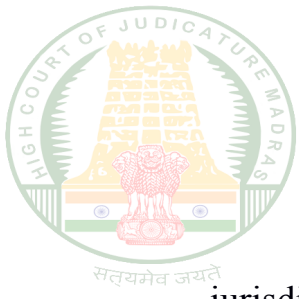
C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

mulcted the entire liability on the bus driver and that the reasons assigned by the Tribunal mulcting the entire liability on the bus driver are legally unsustainable and that therefore, the said finding of the Tribunal is liable to be set aside.

7. The learned Counsel for the claimants would submit that the injured claimants P.W.1, PW.3 and P.W.5 have deposed categorically about the manner of the accident and according to them, the bus driver alone was responsible for the accident and their TATA ACE MAGIC vehicle driver was not at fault.

8. The learned Counsel for the Insurer would submit that, on the basis of the complaint lodged, the jurisdictional police rightly registered the F.I.R., against the bus driver, that the jurisdictional police after completing the investigation, has not filed the final report, that though the police has alleged that the final report came to be filed holding that the TATA ACE MAGIC vehicle driver alone was responsible for the accident, they have not chosen to examine the Investigating Officer or that the final report was filed and the same was accepted by the



C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

jurisdictional Court and that the Tribunal, considering the evidence available on record, has rightly fastened the liability on the bus driver and hence, the same is not liable to be interfered with.

9. The appellant/Transport Corporation has produced a copy of the final report stateted to have been obtained under the Right to Information Act and the same came to be marked through R.W.3 – the Sub-Inspector of Police attached to Ayakudi Police Station. During the cross-examination of R.W.3, the claimants produced the copy application returned by the concerned Court noting that no final report came to be filed and on his admission, the same was marked as Ex.P.33. R.W.3 in his evidence has admitted that the investigation in the above case was conducted by the Deputy Superintendent of Police and that he had no personal knowledge whether the complainant and the other witnesses had been examined during the course of investigation.

10. It is evident from the final report marked as Ex.R.1 that the Investigating Officer, having concluded that the driver of the TATA ACE Magic vehicle was responsible for the accident, dropped further action



C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

on the ground that the said driver had died in the accident. But admittedly, the appellant/Transport Corporation has not chosen to examine the Investigating Officer who prepared the final report or any other police official associated with the investigation. Moreover, the appellant has not summoned and examined any of the witnesses whose statements were allegedly recorded by the Investigating Officer for arriving at the conclusion that the driver of the TATA ACE Magic vehicle was at fault. No doubt, the appellant has examined the conductor of the bus as R.W.1, who has deposed in tune with the defence set out in the counter statement as well as the additional counter statement. But, in his cross-examination, R.W.1 has admitted that neither he, nor the bus driver, nor the management of the Transport Corporation had lodged any complaint before the jurisdictional police with respect to the accident. He has further stated that he was not aware as to whether the bus driver had filed any private complaint.

11. As rightly pointed out by the learned counsel appearing for the claimants, P.W.1, P.W.3 and P.W.5 have consistently spoken about the manner of the accident. According to them, the driver of the Transport



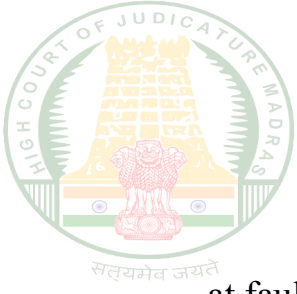
C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

Corporation bus alone drove the vehicle in a rash and negligent manner at the narrow curve on the road, entered the wrong side and dashed against the TATA ACE Magic vehicle, thereby causing the accident. During the cross-examination conducted on behalf of the insurer, P.W.1 has deposed as follows:

“நேத விபத்தில் எஃகளுடன் பயணம் செய்த டைக்மி பீரியா என்னுடைய அக்கா. விபத்து சமயத்தில் அவர் 8 மாத கர்ப்பிணியாக நேந்தார். என்வஇ ஓட்டுநர் நிதானமாகத்தான் வண்டியை ஓட்டி சென்றார் என்றால் சரிதான். சாலையின் டேது ஓரமாகத்தான் ஓட்டுநர் வண்டியை ஓட்டிச் சென்றார் என்றால் சரிதான். எஃகள் வண்டி சென்று கொண்டிருக்கும் டேத்தில் நேந்து சுமார் 50 அடி தூரத்தில் ஒரு குறுகிய வளைவு நேந்தது என்றால் சரிதான். அரக ுபருந்து அந்த வளைவில் அதிவகமாக வந்து சாலையின் தவறான பாதையில் வந்து எஃகள் ுவனின் ுமல் ுமாத் விபத்து ஏற்பட்டது என்றால் சரிதான். நான் அரக ுபருந்து ஓட்டுநர் ுமல் தவறு என்று புகாரில் சொல்லியுள்ளேன். நேத விபத்திற்கு முழு காரணம் அரக ுபருந்து ஓட்டுநர்தான்.”

12. P.W.3, the injured in the accident in the cross-examination made on behalf of the Transport Corporation has specifically denied the suggestions that their driver alone drove the vehicle in a rash and negligent manner and caused the accident and that the bus driver was not



C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

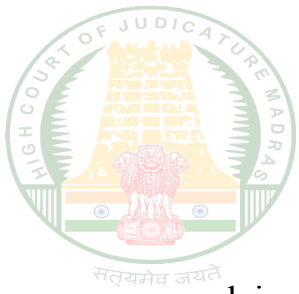
at fault.

13. P.W.5, in his cross-examination made on behalf of the Insurer has stated;

“நான் பயணம் செய்த வாகனத்தின் ஓட்டுநர் வாகனத்தை சாலையின் டேது ஓரமாகத்தான் நிதானமாக ஓட்டிச் சென்றார் என்றால் சரிதான். எதிர வந்த அரக ுபருந்து ஓட்டுநர்தான் வாகனத்தை ுவகமாக ஓட்டி வந்து தவறான பாதையில் வந்து விபத்தை ஏற்படுத்தினார் என்றால் சரிதான். விபத்திற்கு நான் பயணம் செய்த வாகனத்தின் ஓட்டுநர் எந்தவிதத்திலும் காரணமல்ல என்றால் சரிதான். விபத்திற்கு அரக ுபருந்து ஓட்டுநர் காரணம் என்பதால் அரக ுபாக்குவரத்து கழகம்தான் மேம்பீடு கொடுக்க கடமைப்பட்டவர்கள் என்றால் சரிதான்.”

Though P.W.1, P.W.3 and P.W.5 were subjected to cross-examination on behalf of the Transport Corporation side, nothing was elicited to discredit their version and their evidence regarding the manner of the accident remained unshaken.

14. The learned counsel appearing for the appellant/Transport Corporation would submit that some of the passengers travelling in the bus had also sustained injuries in the accident and had filed separate

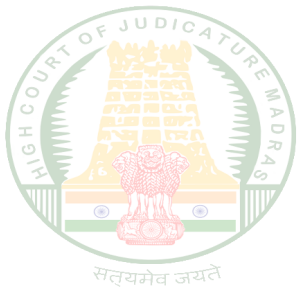


C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

claim petitions seeking compensation. It is further submitted that, in those claim petitions, the Motor Accident Claims Tribunal had held that both the driver of the Transport Corporation bus and the driver of the TATA ACE Magic vehicle were equally responsible for the accident. In support of the said contention, the learned counsel has produced xerox copies of the awards passed in M.C.O.P. Nos.184 of 2017 and 324 of 2019 on the file of the Motor Accident Claims Tribunal, Tenkasi.

15. It is pertinent to note that a finding rendered by another Motor Accident Claims Tribunal, in a separate claim petition arising out of the same accident is not, by itself, conclusive or binding on the Tribunal, adjudicating the present claim, unless the requirements of res judicata or the issue estoppel are attracted which ordinarily would not apply, when the parties are different and the claim petitions are independently tried. Moreover, in the case on hand, a common order came to be passed on 13.10.2022 and the awards now canvassed by the learned Counsel for the appellant came to be passed in 2024. Hence, the subsequent finding recorded by the another Tribunal cannot be looked into, for deciding the present appeals.



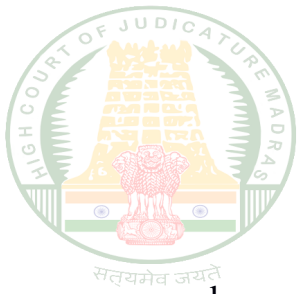
C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

16. As rightly contended by the learned counsel appearing for the insurer, the mere filing of a final report by the police attributing negligence to the driver of the TATA ACE Magic vehicle is not binding on the Motor Accident Claims Tribunal. It is well settled that the First Information Report, charge sheet, final report or the opinion formed by the Investigating Officer, and even the findings recorded by a criminal Court regarding negligence, are not conclusive in proceedings under the Motor Vehicles Act. The Tribunal is under a statutory obligation to independently appreciate the oral and documentary evidence placed before it and arrive at its own conclusion as to the manner of the accident and the person responsible for the same.

17. On considering the entire evidence available on record, the Tribunal has rightly come to the conclusion that the accident occurred only due to the rash and negligent driving of the bus driver and the said finding cannot be found fault with.

18. It is pertinent to note that the appellant Transport Corporation



C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

has not challenged the quantum of compensation awarded by the Tribunal. But the learned Counsel for the claimants in M.C.O.P.Nos.157, 161, 162 and 163 would submit that the Tribunal without any basis fixed the lesser monthly income for the deceased, that the Tribunal ought to have adopted the decision of the Hon'ble Supreme Court in ***Syed Sadiq Vs. United India Insurance Co., Ltd.***, reported in **2014(1) TNMAC 459**, where the monthly income of Rs.6,500/- was fixed for a vegetable vendor and also the decision of the Division Bench of this Court in ***Aandal and another Vs. Abhinav Kannan and others*** reported in **2019(1) TNMAC 54 (DB)**, where the Division Bench of this Court has applied the cost of inflation index issued by the Central Board of Direct Tax, dated 13.06.2008 and that therefore, the compensation awarded by the Tribunal are liable to be enhanced.

19. The claimants in M.C.O.P.Nos.156 and 164 of 2017 have sustained simple injuries. The Tribunal has awarded a total compensation of Rs.27,000/- each and the same cannot be found fault



20. But in M.C.O.P.No.160 of 2017, the claimant who was examined as P.W.3 has deposed that he sustained bone injuries. It is evident from Ex.P.19 that the claimant sustained fractures on her right side hip, crack in the right leg knee, left leg backside and also other grievous injuries on her face and chest and that she was giving inpatient treatment from 07.08.2016 to 09.08.2016 at Tenkasi Government Hospital. The Tribunal has only awarded a total compensation of Rs. 28,250/- which is certainly on lower side. Considering the nature of injuries, the period of inpatient treatment and the other attending circumstances, this Court is inclined to award a lumpsum compensation of Rs.50,000/- along with interest and costs.

C.M.A.(MD)No.239 of 2024:(M.C.O.P.No.157 of 2017):

21. The Tribunal, taking note of Ex.P.9 – postmortem certificate, fixed the age of the deceased Jothi at 65 years at the time of accident and

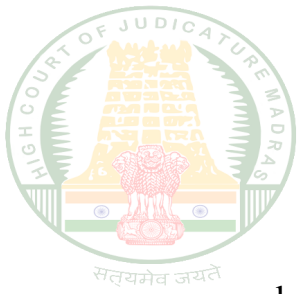


C.M.A(MD)Nos.239 to 245 of 2024

the same has not been disputed by the appellant. Though the claimants therein have stated that the deceased was a handloom weaver and was earning a sum of Rs.9,000/- per month, they have not produced any iota of evidence to substantiate the same. As rightly contended by the learned Counsel for the claimants, the Tribunal, without any basis, fixed the notional income of the deceased as Rs.6,000/- p.m.

22. As per the decision of the the Hon'ble Supreme Court in *Syed Sadiq Vs. United India Insurance Co., Ltd.*, reported in **2014(1) TNMAC 459**, and by applying the cost of inflation index issued by the Central Board of Direct Tax, dated 13.06.2008, the notional income of the deceased would come to Rs.13,302/-. Hence, the income stated by the claimants is accepted and fixed at Rs.9,000/-

23. As per the decision of the Hon'ble Supreme Court in *National Insurance Company Ltd., Vs. Pranay Sethi and others* reported in **2017(2) TNMAC 609**, since the deceased was aged 65 years, the question of adding future prospects does not arise. Considering the

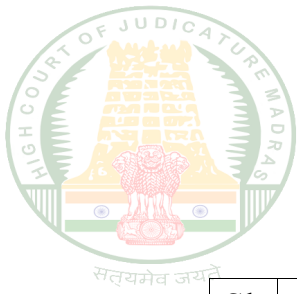


C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

number of the dependents, the Tribunal has rightly deducted 1/4th income towards personal living expenses of the deceased and hence, the monthly income would come to Rs.6,750/-. The Tribunal, taking note of the decision of the Hon'ble Supreme Court in *Sarla Verma and others Vs. Delhi Transport Corporation and another* reported in *2009(2) TNMAC 1 (SC)* has rightly applied the multiplier of “7”. Hence, the loss of dependency comes to Rs.5,67,000/- (Rs.6,750/- x12x7).

24. The Tribunal has rightly awarded Rs.40,000/- each towards loss of parental consortium, Rs.15,000/- for funeral expenses and Rs. 15,000/- for loss of estate under the conventional heads and the same cannot be found fault with. Hence, the claimants are entitled to get the total compensation of Rs.7,57,000/-as follows:

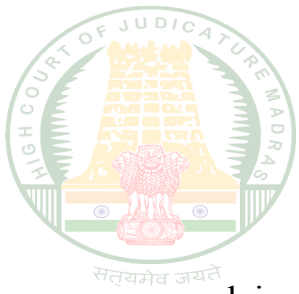


C.M.A(MD)Nos.239 to 245 of 2024

Sl. No	Description	Amount awarded by the Tribunal Rs.	Amount awarded by this Court Rs.	Award confirmed or enhanced or granted
1	For loss of income	3,78,000	5,67,000	enhanced
2	For loss of parental consortium	1,60,000	1,60,000	confirmed
3	For funeral expenses	15,000	15,000	confirmed
4	For loss of income	15,000	15,000	confirmed
5	For transportation	5,000/-		
	Total	Rs. 5,73,000/-	Rs. 7,57,000/-	enhanced

C.M.A.(MD)No.240 of 2024:(M.C.O.P.No.161 of 2017):

25. The Tribunal, taking note of Ex.P.24 – postmortem certificate, has fixed the age of the deceased Janardhanan as 30 years on the date of accident and the same was not disputed by the other side. Though the claimants therein have stated that the deceased was working as a driver and was earning Rs.15,000/-, they have not produced any evidence in this regard. But as rightly contended by the learned Counsel for the



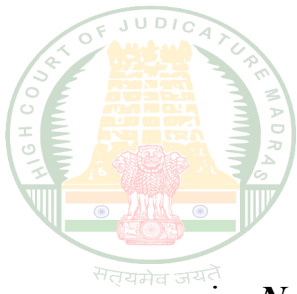
C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

claimants, the Tribunal without any basis, fixed the notional income at Rs.8,000/- p.m.

26. As per decision of the Hon'ble Supreme Court in ***Syed Sadiq Vs. United India Insurance Co., Ltd.***, reported in **2014(1) TNMAC 459**, referred above has fixed the monthly income of Rs.6,500/- for a vegetable vendor, who sustained injuries in the accident which occurred in the year 2008 and that the Hon'ble Division Bench of this Court in ***Aandal's case*** referred above, by taking the notional income of Rs. 6,500/- fixed by the Hon'ble Apex Court in ***Syed Sadiq Vs. United India Insurance Co., Ltd.***, during the year 2008, and by applying the cost of inflation index issued by the Central Board of Direct Tax, dated 13.06.2008, has fixed the notional monthly income of the deceased. As per the above index, the cost of inflation index for the year 2007-2008 is 129 and for the year 2016-2017 is 264. Applying the above, the notional income of the claimant would come to Rs.13,302/- (Rs.6500x264/129).

27. The Tribunal as per the decision of the Hon'ble Supreme Court



C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

in ***National Insurance Company Ltd., Vs. Pranay Sethi and others***

reported in ***2017(2) TNMAC 609***, has rightly added 40% of the income towards future prospects and after such addition, the monthly income would come to Rs.18,623/-(Rs.13,302/-+Rs.5,321/-) The Tribunal, taking note of the number of the claimants has rightly deducted 1/3rd of the income towards personal living expenses and after such deduction, the monthly income would come to Rs.12,415/- (Rs.18,623/- - Rs.6,208/-). As per the decision of the Hon'ble Supreme Court in ***Sarla Verma and others Vs. Delhi Transport Corporation and another*** reported in ***2009(2) TNMAC 1 (SC)*** has rightly applied the multiplier of “17”. Hence, the loss of dependency comes to Rs.25,32,660/- (Rs. 12,415/- x12x17).

28. The Tribunal has awarded Rs.40,000/- each towards loss of filial consortium, Rs.15,000/- towards funeral expenses, Rs.15,000/- towards loss of estate under the conventional heads and the same cannot be found fault with. Hence, the claimants are entitled to get the total compensation of Rs.26,42,660/- rounded to Rs.26,42,700/-as follows:

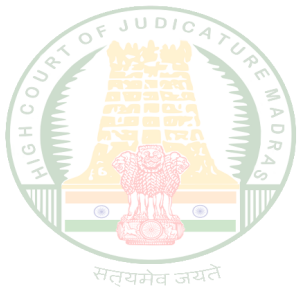


C.M.A(MD)Nos.239 to 245 of 2024

Sl. No	Description	Amount awarded by the Tribunal Rs.	Amount awarded by this Court Rs.	Award confirmed or enhanced or granted
1	For loss of income	15,23,268	25,32,660	enhanced
2	For loss of filial consortium	80,000	80,000	confirmed
3	For funeral expenses	15,000	15,000	confirmed
4	For loss of income	15,000	15,000	confirmed
5	For transportation	5,000/-		
	Total	Rs. 16,38,268/-	Rs. 26,42,660/- rounded to Rs. 26,42,700/-	enhanced

C.M.A.(MD)No.241 of 2024 (M.C.O.P.No.162 of 2017):

29. The Tribunal, taking note of Ex.P.34 death certificate, fixed the age of the deceased Babu as 52 years on the date of accident and the same has not been disputed by the appellant. The claimants therein have stated that the deceased was working in a Saree shop and was earning Rs.9,000/-p.m. But the Tribunal fixed the income at Rs.6,000/- per month. As per the decision of the the Hon'ble Supreme Court in *Syed*

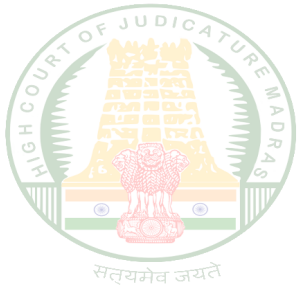


C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

Sadiq Vs. United India Insurance Co., Ltd., reported in **2014(1) TNMAC 459**, and by applying the cost of inflation index issued by the Central Board of Direct Tax, dated 13.06.2008, the notional income of the deceased would come to Rs.13,302/-. Since the claimants themselves have claimed that the deceased was earning Rs.9,000/- per month, the same is accepted.

30. The Tribunal as per the decision of the Hon'ble Supreme Court in ***National Insurance Company Ltd., Vs. Pranay Sethi and others*** reported in **2017(2) TNMAC 609**, has rightly added 10% of the income towards future prospects and after such addition, the monthly income would come to Rs.9,900/-(Rs.9,000/-+Rs.900/-) The Tribunal, taking note of the number of the claimants, has rightly deducted 1/4rd of the income towards personal and living expenses and after such deduction, the monthly income would come to Rs.7,425/- (Rs9,900/- - Rs.2,475/-) As per the decision of the Hon'ble Supreme Court in ***Sarla Verma and others Vs. Delhi Transport Corporation and another*** reported in **2009(2) TNMAC 1 (SC)**, the Tribunal has rightly applied the multiplier

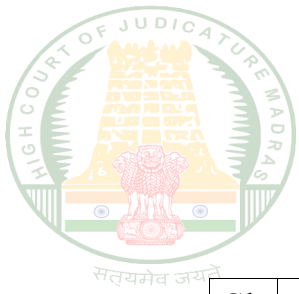


C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

of “11”. Hence, the loss of dependency comes to Rs.9,80,100/-(Rs. 7,425/- x12x11).

31. Considering the fact that the first respondent is the wife and the claimants 2 and 3 are the sons and the fourth claimant is the mother, the Tribunal has rightly awarded Rs.40,000/- to the first claimant towards spousal consortium, Rs.40,000/- each to the claimants 2 and 3 towards loss of parental consortium and Rs.40,000/- to the fourth claimant towards filial consortium. The Tribunal has also awarded Rs.15,000/- towards funeral expenses and Rs.15,000/- towards loss of estate under the conventional heads and the same cannot be found fault with. Hence, the claimants are entitled to get the total compensation of Rs..11,70,100/- as follows:

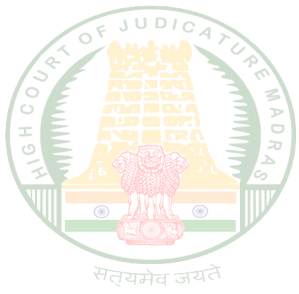


C.M.A(MD)Nos.239 to 245 of 2024

Sl. No	Description	Amount awarded by the Tribunal Rs.	Amount awarded by this Court Rs.	Award confirmed or enhanced or granted
1	For loss of income	6,53,400	9,80,100	enhanced
2	For loss of consortium	1,60,000	1,60,000	confirmed
3	For funeral expenses	15,000	15,000	confirmed
4	For loss of income	15,000	15,000	confirmed
5	For transportation	5,000/-		
	Total	Rs. 8,48,4000/-	Rs. 11,70,100/-	enhanced

C.M.A.(MD)No.242 of 2024 (M.C.O.P.No.163 of 2017):

32. The Tribunal, taking note of the postmortem certificate has rightly fixed the age of the deceased Lakshmi Priya as 21 years at the time of accident and the same was not disputed. As rightly contended by the learned Counsel for the claimant, the Tribunal without any basis fixed the notional income of the deceased as Rs.3,000/- It is the specific evidence of the claimant that the deceased Lakshmi Priya was 8 months pregnant at the time of accident. The deceased being a home maker, the monthly income claimed by the claimant cannot said to be excessive. Hence, the income of the deceased is fixed at Rs.6,000/-.



C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

33. The Tribunal as per the decision of the Hon'ble Supreme Court in *National Insurance Company Ltd., Vs. Pranay Sethi and others* reported in **2017(2) TNMAC 609**, has rightly added 40% of the income towards future prospects and after such addition, the monthly income would come to Rs.8,400/-(Rs.6,000/-+Rs.2,400/-) The Tribunal has rightly deducted 50% of the income towards personal living expenses of the deceased and after such deduction, the monthly income would come to Rs.4,200/- (Rs8,400/- - Rs.4,200/-) As per the decision of the Hon'ble Supreme Court in *Sarla Verma and others Vs. Delhi Transport Corporation and another* reported in **2009(2) TNMAC 1 (SC)** has rightly applied the multiplier of “18”. Hence, the loss of dependency comes to Rs.9,07,200/-(Rs.4,200/- x12x18).

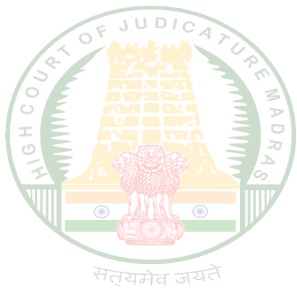
34. The Tribunal has rightly awarded Rs.40,000/- to the claimant towards filial consortium and Rs.15,000/- towards funeral expenses and Rs.15,000/- towards loss of estate under the conventional heads and the same cannot be found fault with. Hence, the claimants are entitled to get the total compensation of Rs.9,77,200/- as follows:



Sl. No	Description	Amount awarded by the Tribunal Rs.	Amount awarded by this Court Rs.	Award confirmed or enhanced or granted
1	For loss of income	4,53,600	9,07,200	enhanced
2	For loss of consortium	40,000	40,000	confirmed
3	For funeral expenses	15,000	15,000	confirmed
4	For loss of income	15,000	15,000	confirmed
5	For transportation	5,000/-		
	Total	Rs. 5,28,600/-	Rs. 9,77,200/-	enhanced

35. At this juncture, it is necessary to refer to the judgment of the Hon'ble Supreme Court in ***Surekha and Others v. Santosh and Others***, wherein the Hon'ble Supreme Court reiterated that, in motor accident compensation cases, the Courts are duty-bound to award just compensation and should not adopt a hyper-technical approach merely because the claimants have not preferred an appeal or cross-appeal seeking enhancement. The relevant observations are extracted hereunder:

“2. This appeal takes exception to the judgment and order dated 04.01.2019 passed by the High Court of Judicature at Bombay, Bench at Aurangabad in First Appeal No.2564 of 2016, whereby the High Court, even



WEB COPY



C.M.A(MD)Nos.239 to 245 of 2024

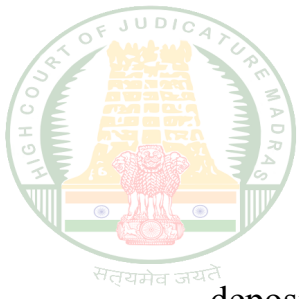
though agreed with the stand of the appellants that just compensation amount ought to be Rs.49,85,376/- (Forty-Nine Lakh Eighty-Five Thousand Three Hundred Seventy-Six Only), however, declined to grant enhancement merely on the ground that the appellants had failed to file cross-appeal.

3. By now, it is well-settled that in the matter of insurance claim compensation in reference to the motor accident, the court should not take hyper technical approach and ensure that just compensation is awarded to the affected person or the claimants.”

36. Considering the other facts and circumstances of the case, this Court further decides that the parties are to be directed to bear their own costs.

37. In the result,

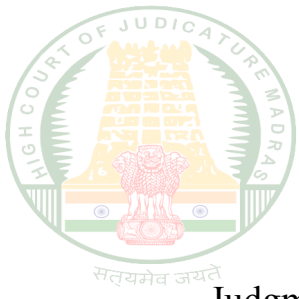
(i) the Civil Miscellaneous Appeal in C.M.A.(MD)No.239 of 2024 is dismissed. The compensation awarded by the Tribunal to the claimants is enhanced from **Rs.5,73,000/-** to **Rs.7,57,000/-** along with interest at 7.5%pa., from the date of petition till the date of realization and costs. The appellant / State Transport Corporation is directed to



C.M.A(MD)Nos.239 to 245 of 2024

deposit the entire award amount along with accrued interest and costs, to the credit of above said M.C.O.P.No.157 of 2017, on the file of the Motor Accident Claims Tribunal / Special District Court (To deal with MCOP Cases), Madurai, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this Judgment and on such deposit, on such deposit, the claimants 1 to 4 are permitted to withdraw Rs.1,89,250/- each along with proportionate and interest and costs, on filing appropriate application before the Tribunal.

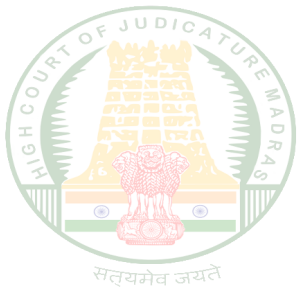
(ii) the Civil Miscellaneous Appeal in C.M.A.(MD)No.240 of 2024 is dismissed. The compensation awarded by the Tribunal to the claimants is enhanced from **Rs.16,38,268/-/- to Rs.26,42,700/-** along with interest at 7.5%pa., from the date of petition till the date of realization and costs. The appellant / State Transport Corporation is directed to deposit the entire award amount along with accrued interest and costs, to the credit of above said M.C.O.P.No.161 of 2017, on the file of the Motor Accident Claims Tribunal / Special District Court (To deal with MCOP Cases), Madurai, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this



C.M.A(MD)Nos.239 to 245 of 2024

Judgment and on such deposit, on such deposit, the claimants 1 and 2 are permitted to withdraw Rs.10,00,000/- and Rs.16,42,700/- respectively along with proportionate and interest and costs, on filing appropriate application before the Tribunal.

(iii) the Civil Miscellaneous Appeal in C.M.A.(MD)No.241 of 2024 is dismissed. The compensation awarded by the Tribunal to the claimants is enhanced from **Rs.8,48,400/- to Rs.11,70,100/-** along with interest at 7.5%pa., from the date of petition till the date of realization and costs. The appellant / State Transport Corporation is directed to deposit the entire award amount along with accrued interest and costs, to the credit of above said M.C.O.P.No.162 of 2017, on the file of the Motor Accident Claims Tribunal / Special District Court (To deal with MCOP Cases), Madurai, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this Judgment and on such deposit, on such deposit, the claimants 1 to 4 are permitted to withdraw Rs.6,20,100/-, Rs.2,00,000/-, Rs.2,00,000/- and Rs.1,50,000/- respectively along with proportionate and interest and costs, on filing appropriate application before the Tribunal.



C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

(iv) the Civil Miscellaneous Appeal in C.M.A.(MD)No.242 of 2024 is dismissed. The compensation awarded by the Tribunal to the claimants is enhanced from **Rs.5,28,600/- to Rs.9,77,200/-** along with interest at 7.5%pa., from the date of petition till the date of realization and costs. The appellant / State Transport Corporation is directed to deposit the entire award amount along with accrued interest and costs, to the credit of above said M.C.O.P.No.163 of 2017, on the file of the Motor Accident Claims Tribunal / Special District Court (To deal with MCOP Cases), Madurai, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this Judgment and on such deposit, on such deposit, the claimant is permitted to withdraw entire award amount along with interest and costs, on filing appropriate application before the Tribunal.

(v) the Civil Miscellaneous Appeal in C.M.A.(MD)No.243 of 2024 is dismissed, confirming the compensation amount of Rs.27,000/- awarded by the Tribunal to the claimant along with interest at 7.5%pa., from the date of petition till the date of realization and costs. The

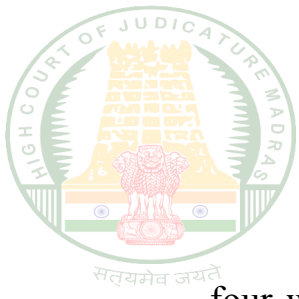


C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

appellant / State Transport Corporation is directed to deposit the entire award amount along with accrued interest and costs, to the credit of above said M.C.O.P.No.160 of 2017, on the file of the Motor Accident Claims Tribunal / Special District Court (To deal with MCOP Cases), Madurai, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this Judgment and on such deposit, on such deposit, the claimant is permitted to withdraw the entire award amount along with interest and costs, on filing appropriate application before the Tribunal.

(vi) the Civil Miscellaneous Appeal in C.M.A.(MD)No.244 of 2024 is dismissed. The compensation awarded by the Tribunal to the claimant is enhanced from **Rs.28,250/- to Rs.50,000/-** along with interest at 7.5%pa., from the date of petition till the date of realization and costs. The appellant / State Transport Corporation is directed to deposit the entire award amount along with accrued interest and costs, to the credit of above said M.C.O.P.No.160 of 2017, on the file of the Motor Accident Claims Tribunal / Special District Court (To deal with MCOP Cases), Madurai, less the amount already deposited, if any, within a period of

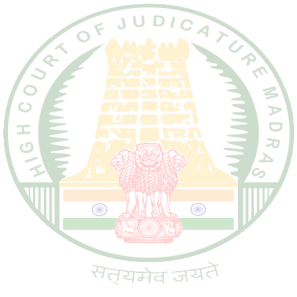


C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

four weeks from the date of receipt of a copy of this Judgment and on such deposit, on such deposit, the claimant is permitted to withdraw the entire award amount along with proportionate and interest and costs, on filing appropriate application before the Tribunal.

(vii) the Civil Miscellaneous Appeal in C.M.A.(MD)No.245 of 2024 is dismissed, confirming the compensation amount of Rs.27,000/- awarded by the Tribunal to the claimant along with interest at 7.5%pa., from the date of petition till the date of realization and costs. The appellant / State Transport Corporation is directed to deposit the entire award amount along with accrued interest and costs, to the credit of above said M.C.O.P.No.164 of 2017, on the file of the Motor Accident Claims Tribunal / Special District Court (To deal with MCOP Cases), Madurai, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this Judgment and on such deposit, on such deposit, the claimant is permitted to withdraw the entire award amount along with interest and costs, on filing appropriate application before the Tribunal.



C.M.A(MD)Nos.239 to 245 of 2024

WEB COPY

(viii) The parties are directed to bear their own costs.

Consequently, the connected Civil Miscellaneous Petitions are closed.

(ix) The claimants in C.M.A.(MD)Nos.239, 240, 241, 242 and 244 of 2024 are **directed to pay the court fee** for the enhanced compensation, if any, and the Registry is directed to draft the decree only after the payment of Court fee.

25.06.2026

NCC : Yes : No

Index : Yes : No

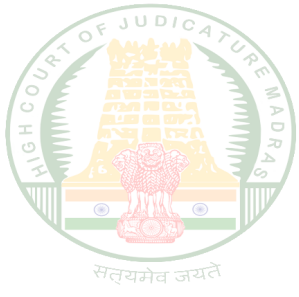
Internet : Yes : No

SSL

To

1. The Motor Accident Claims Tribunal /
Special Subordinate Court
(to deal with MCOP Cases) Madurai.

2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



C.M.A(MD)Nos.239 to 245 of 2024

K.MURALI SHANKAR,J.

SSL

PRE-DELIVERY JUDGMENT MADE IN

C.M.A(MD)Nos.239 to 245 of 2024

25.06.2026