



C.M.A.(MD)No.1019 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.08.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE M.D.SUMATHI**

**C.M.A.(MD)No.1019 of 2026
and
C.M.P.(MD)No.10663 of 2026**

The Zonal Manager,
Tamil Nadu State Transport Corporation,
Bypass Road, Madurai Town,
Madurai District.

... Appellant

Vs.

Perumalakkal

... Respondent

Prayer : Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicle Act, to set aside the award passed in M.C.O.P.No.595 of 2002 dated 28.02.2024 on the file of the Motor Accident Claims Tribunal Cum Special Subordinate Court, Dindigul.

For Appellant : Mr.S.Micheal Heldon Kumar

For Respondent : Mr.T.Thirumurugan



JUDGMENT

(Judgment of the Court was delivered by G.R.Swaminathan, J.)

The management of TNSTC, Madurai Corporation is the appellant. They assail the award dated 28.02.2024 passed by the Motor Accident Claims Tribunal cum Special Subordinate Court, Dindigul made in M.C.O.P.No.595 of 2022.

2.One Siva, a bachelor aged about 25 years was returning home in his two wheeler on 09.03.2022. At about 6.30 pm, when the bus belonging to the appellant/corporation bearing registration number TN-58-N-0867 plying from Usilampatti to Nadukottai hit the two wheeler. As a result, Siva suffered grievous injuries and died while being taken to Usilampatti Government Hospital. In this regard, Crime No.48 of 2022 was registered on the file of Viruveedu Police station for the offences under Sections 279 and 304(A) of IPC. Perumalakkal, his mother was his sole surviving legal representative. She filed M.C.O.P.No.595 of 2022 claiming compensation. The appellant Corporation filed counter. The Tribunal framed the following issues:-



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“1.Whether the accident happened due to the rash and negligent driving of the driver of the TNSSTC bus of the respondent bearing Regn.No.TN-58-N-0867 and whether the deceased Mr.Siva died due to the above accident?

2.If yes, whether the petitioner is entitled for compensation and what is the quantum of compensation?

3.To what other relief, the petitioner is entitled to?”

3.In support of the claim, the claimant examined herself as P.W.1. An eye witness to the occurrence was examined as P.W.2. Exs.P1 to P10 were marked. On the side of the appellant/corporation, the driver of the bus was examined as R.W.1. After hearing both the parties and examining the evidence on record, the Tribunal held that the accident took place on account of the rash and negligent driving by Sivaraj, the driver employed by the appellant/corporation. The deceased Siva was a drums player. The Court below quantified the compensation payable to the claimant at Rs.29,10,400/-. Questioning the said award, this civil miscellaneous appeal has been filed.



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4.The learned Standing Counsel for the appellant/corporation fairly stated that the appellant is not questioning the liability, but only the quantum. It is seen that the deceased was a bachelor. Applying the parameters set out in the decision reported in **(2009) 6 SCC 121 (Sarla Verma vs. Delhi Transport Corporation)**, 50% should have been deducted towards personal expenses. In the case on hand, the Tribunal erroneously deducted only 1/3rd. The accident took place on 09.03.2022. The notional monthly income should have been fixed at Rs.22,362/-. The Court below had erroneously fixed it on the lower side at Rs.19,600/-. If the formula is reworked, the compensation payable to the claimant would be quantified at Rs.25,03,118/-.

5.The calculation memo has been furnished and the learned counsel for the claimant agrees that it has been correctly worked out. The award passed by the Tribunal is modified and the compensation is fixed at Rs.25,03,118/-. Of course, it will carry interest at the rate of 7.5% per annum from the date of accident till date of payment. The



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appellant corporation is directed to deposit the said amount within a period of eight weeks from the date of receipt of a copy of this order.

6.This civil miscellaneous appeal is partly allowed. No costs.

Consequently, connected miscellaneous petition is closed.

(G.R.S. J.,) & (M.D.S. J.,)
13.08.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
IAS / PMU

To:

The Motor Accident Claims Tribunal Cum
Special Subordinate Court,
Dindigul.

Copy to:

The Section Officer,
ER/VR Section,
Madurai Bench of Madras High Court,
Madurai.



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G.R.SWAMINATHAN, J.
and
M.D.SUMATHI, J.

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