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CMA No. 1325 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1325 of 2025

1. The Managing Director
State Transport Corporation Ltd.,
Ramakrishna Road, Salem Town,
Salem District.

Appellant(s)

Vs

1. Aathi Devi
W/o. Vilash Sadha,
Res. at Teligar Post and Village, Beldor Taluk,
Kakiriya District, Bihar State.

2.Minor Bheemkumar S/o Vilash Sadha
Minors 2 Represented by their Next Friend
Mother 1st Respondent Residing at Teligar
Post and Village, Beldor Taluk, Kakiriya
District, Bihar State

3.Minor Parvathy Kumar D/o Vilash Sadha
Minors 3 Represented by their Next Friend
Mother 1st Respondent Residing at Teligar
Post and Village, Beldor Taluk, Kakiriya
District, Bihar State

Respondent(s)



PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to set aside the Judgement and decree passed in MCOP No.927 of 2018 passed by the Exclusive Motor Accidents Claims Tribunal, Dharmapuri, dated 02.01.2024.

For Appellant(s): M/s. Nitin D

For Respondent(s): M/s. T. Ganesan For R 1 To R3

JUDGMENT

The appellant has filed this appeal to set aside the Judgement and decree passed in MCOP No.927 of 2018 passed by the Exclusive Motor Accidents Claims Tribunal, Dharmapuri, dated 02.01.2024.

2. The brief facts of the case are as follows: On 31.01.2015 at about 5.10 p.m., the deceased Vilash Sadha was sitting on the rear side of the lorry bearing Registration No. TN33-AW-8470, belonging to PSK Company, and was engaged in pouring tar for road construction on Dharmapuri–Salem Main Road near Double Bridge. At that time, a TNSTC bus bearing Registration No. TN30-N-1217 came from Dharmapuri towards Salem, driven by its driver in a rash and negligent manner. The bus hit the rear side of the lorry, causing the deceased to sustain injuries, and he later died in the hospital. Based on a

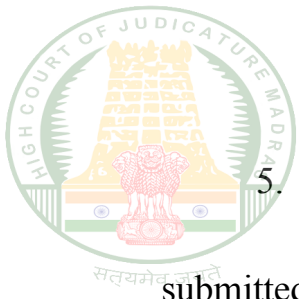


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complaint given by one Sundaravadivel, the Thoppur Police registered a case against the driver of the bus in Crime No. 39/2015 under Sections 279, 338, and 304-A IPC. The deceased, Vilash Sadha, aged about 32 years, was employed with PSK Infrastructure and Projects Pvt. Ltd., earning a monthly income of Rs.15,000/-. The respondent is the registered owner of the bus, and the driver is an employee of TNSSTC. The claimants / petitioners, being the wife and children of the deceased, have claimed compensation from the respondent.

3. Challenging the award passed by the Tribunal, the appellant / State Transport Corporation has preferred this appeal.

4. The learned counsel for the appellant submitted that the Tribunal erroneously fixed the age of the deceased solely based on the post-mortem certificate and not on any other documentary evidence. It was further submitted that the award was passed based on the death certificate and a presumed national income, which lacks sufficient evidentiary basis. Therefore, he prayed for the award to be set aside.



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5. In response, the learned counsel for the respondents / claimants submitted that at the time of death, the deceased was aged about 32 years and had left behind his wife and two young children. The age was mentioned in the death certificate and was also confirmed in the post-mortem certificate. Since the deceased hailed from the State of Bihar and no other documents were available, the Tribunal rightly relied on the post-mortem certificate to determine the age. Therefore, the findings of the Tribunal require no interference, and the appeal deserves to be dismissed as devoid of merit.

6. Based on Ex.P4, the Death Certificate, the Tribunal fixed the age of the deceased as 32 years, as it was mentioned in the post-mortem certificate. No other documentary evidence regarding age was produced by the claimants. In the absence of any contrary evidence, the Tribunal rightly accepted the age as mentioned in the post-mortem certificate.

7. Although the learned counsel for the appellant / State Transport Corporation raised objections, no contra-evidence was produced before the



Tribunal during the original proceedings. Therefore, the Tribunal's conclusion in accepting the deceased's age as 32 years based on Ex.P4 is justified and does not warrant any interference.

8. Accordingly, the Tribunal rightly calculated the future prospects and loss of income. There is no error in the findings, and they are hereby confirmed. This Civil Miscellaneous Appeal is dismissed as devoid of merit. There shall be no order as to costs.

(i) The appellant, State Transport Corporation Ltd., Salem District, is directed to deposit the compensation amount awarded by the Tribunal i.e., Rs.28,53,000/- (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of M.C.O.P. No. 927 of 2018 on the file of the Motor Accident Claims Tribunal, Dharmapuri, within a period of eight weeks from the date of receipt or uploading of a copy of this order.



(ii). Upon such deposit being made by the appellant, the

respondents/claimants are at liberty to withdraw the same, as per the

apportionment made by the Tribunal, after following due process of law.

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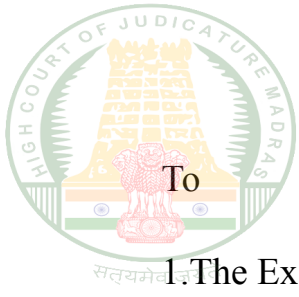
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. The Exclusive Motor Accidents
Claims Tribunal, Dharmapuri.

2. The Section Officer, VR Section,
High Court of Madras.



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T.V.THAMILSELVI J.
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