



C.M.A.No.157 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

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and

C.M.P.No.1241 of 2025

1. The Managing Director,
Tamil Nadu State Transport
Corporation, Trichirapalli.
Service Office:
The Branch Manager,
Tamilnadu State Transport Corporation,
Perambalur.

2. The Managing Director,
Tamil Nadu State Transport
Corporation,
Tiruvannamalai.

... Appellants

Vs.

1. Malar
2. Gomathi
3. Balamurugan
4. Nandhini

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the
Motor Vehicles Act, 1988 against the decree and judgment 28.02.2023



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made in M.C.O.P.No.506 of 2018 on the file of the Motor Accident Claims Tribunal, (Principal District Judge) at Perambalur.

For Appellant : Mr.T.Chandrasekaran

JUDGMENT

The above appeal is filed by the appellants/Transport Corporation against the Judgment and Decree dated 28.02.2023 passed in M.C.O.P.No.506 of 2018 by the Motor Accident Claims Tribunal, (Principal District Judge) at Perambalur.

2. In view of the order being passed in this appeal, notice to the respondents are dispensed with.

3. It is the case of the claimants that, on 23.07.2012 at about 10.30 am, when the deceased one Rajendran was travelling as a pillion rider in his friend's two wheeler bearing Reg.No.TN 20 H 8993, at that time, the bus bearing Regn.No.TN 25 N 0235 belonging to the second appellant driven by its driver had hit the vehicle in which the deceased was travelling, due to which, the deceased sustained grievous injuries and



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died. Therefore, the claimants have filed a claim petition claiming a sum of Rs.15,00,000/- for the injuries sustained by the deceased in the said accident.

4. Before the Tribunal, the appellant had examined P.W.1 and P.W.2 and marked Exhibits P.1 to Ex.P.6. On the side of the respondent, neither any witnesses were examined nor any documents were marked. After adjudication, the Tribunal awarded a sum of Rs.9,45,365/- as compensation to the claimants after deducting 50% contributory negligence on the part of the deceased. Challenging the same, the appellants 1 and 2 / Transport Corporation have preferred the present appeal.

5. The learned counsel appearing for the appellants 1 and 2 / Transport Corporation submitted that, though the accident had happened solely due to the rash and negligent driving of the deceased and the FIR has also been registered as against the driver of the two wheeler, however, the Tribunal has fixed only 50% contributory negligence on the part of the deceased for violating Motor Vehicles, which is wholly



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unsustainable. Though as per claim petition, the claimants claim that the deceased earned not less than a sum of Rs.15,000/- per month, however, in the absence of documentary evidence with regard to the income of the deceased, the Tribunal had fixed the notional income of the deceased at Rs.10,078/- which is highly excessive and the same requires to be interfered with.

6. Heard the learned counsel appearing for the appellants and perused the materials available on record.

7. The factum and manner of the accident is not disputed by the parties. Therefore, this Court is not entering into the said aspect. Admittedly the accident happened on 23.07.2012 and the accident is of the year 2012 and at the time of accident, the deceased was aged about 48 years and it was claimed that the deceased was working as a Lorry Driver. Applying the ratio laid down by the Hon'ble Supreme Court in the case of *Syed Sadiq Vs. United India Insurance Company* reported in **2014 (1) TANMAC 459**, and also considering the age of the deceased as



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also the claimants, the Tribunal had fixed the notional income of Rs.10,078/-, after adding 25% future prospects and deducting 1/4th towards personal expenses, the loss of dependency of the deceased was arrived at Rs.17,00,730/- which is just and reasonable and the other heads awarded by the Tribunal also does not require any interference. Insofar as the negligence aspect is concerned, the Tribunal had fixed 50% contributory negligence on the part of the deceased on the basis of Ex.P1, FIR and the deposition of P.W.2, eye witness and another 50% contributory negligence on the part of the driver of the second appellant's Corporation Bus which does not require any interference and the same is hereby confirmed. However, since, giving under one head and reducing under the other head would result in the amount to be awarded to be the same and no useful purpose would be served in modifying the compensation under the heads, while the compensation amount would remain the same, which would be nothing but an exercise in futility, therefore, this Court is not embarking upon the said modification, but suffice to confirm the compensation awarded by the Tribunal.

8. For the reasons aforesaid, this Appeal stands dismissed,



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confirming the award passed by the tribunal in M.C.O.P.No.506 of 2018 dated 28.02.2023 and the second appellant / Transport Corporation is directed to deposit the compensation of **Rs.9,45,365/-** awarded by the tribunal to the credit of M.C.O.P.No.506 of 2018 along with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit and costs as awarded by the Tribunal, less the amount, if any, already deposited, within a period of six weeks (6) from the date of receipt of a copy of this judgment, if not already deposited. The compensation shall be apportioned among the claimants as per the order of the Tribunal. On such deposit being made, the Tribunal is directed to transfer the said amount to the respondent directly to his bank account through RTGS within a period of two (2) weeks thereafter. There shall be no order as to costs in this appeal. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Speaking order / Non-speaking order
Netrual Citation Case : Yes / No
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To

1.Motor Accident Claims Tribunal, (Principal District Judge) at Perambalur.

2.The Section Officer, V.R.Section, High Court, Madras.



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M.DHANDAPANI, J.

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