



CMA.No.1189 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :24.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CMA No.1189 of 2025

The Managing Director
Tamil Nadu State Transport Corporation Ltd.,
No.12, Ramakrishna Road, Salem-7. ... Appellant

Vs.

1.R.Selvam
S.Vijaya (Died)
2.K.Thilagam ... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the judgement and decree passed in MCOP.No.513/2015 passed by the Hon'ble Special District Court, MCOP Tribunal (FAC), Salem on 13-03-2024.

For Appellant : Mr.D.Nitin

JUDGMENT

The Civil Miscellaneous Appeal has been filed by the Appellant Transport Corporation challenging the award passed by the Special District Judge, MCOP Tribunal (FAC), Salem in MCOP No. 513 of 2015.



CMA.No.1189 of 2025

WEB COPY

2. The respondents are the claimants who filed a claim petition seeking compensation for the death of son of the first and second claimants and brother of the 3rd claimant namely Mohan in a road accident that had taken place on 29-12-2014. According to the respondents/claimants, the deceased was riding his two-wheeler in Salem-Attur main road following the traffic rules. When he came near AVS College, the bus belonged to the appellant Transport Corporation came in a rash and negligent manner and dashed against the two-wheeler. As a result of the accident, the above said Mohan died on the spot and hence, the claim petition was filed seeking compensation of Rs.1 crore.

3. The claim petition was opposed by the Appellant Transport Corporation mainly on the ground that the accident had occurred due to the negligence on the part of the deceased. It was also stated that the bus was driven by its driver carefully and the rash and negligent act of the deceased invited the accident.



CMA.No.1189 of 2025

WEB COPY

4. The Tribunal, based on the evidence available on record, came to the conclusion that the accident had occurred only due to the rash and negligent driving of the bus by its driver. The compensation payable to the claimant was quantified at Rs.29,35,000/-. Aggrieved by the quantum of compensation, the Appellant Transport Corporation has come before this court.

5. The learned counsel for the Appellant Corporation submitted that the Tribunal committed an error in fixing negligence on the part of the Appellant Corporation. He also submitted that the quantum of compensation fixed by the Tribunal is excessive one.

6. It is seen from the award, on behalf of the claimants, the first claimant/ father of the victim was examined as PW1 and he deposed in the light of the averments contained in the claim petition. Exhibit P1 is the FIR and the same is registered against the driver of the Appellant Corporation.



CMA.No.1189 of 2025

WEB COPY

7. The Tribunal, based on the evidence of PW-1 and the contents of FIR, came to the conclusion that the driver of the Appellant Corporation was negligent in driving the bus and his negligent act resulted in the accident. It is pertinent to note that the Appellant Corporation failed to examine its driver, who was the best person to speak about the accident. In these circumstances, this Court finds that there is no reason to interfere with the finding made by the Tribunal on the question of negligence.

8. Exhibit P-14 and Exhibit P-15 are the Income Tax Returns for the assessment year 2013-2014 and 2014-2015 filed by the claimants. Exhibit P-11 is the appointment order issued to the deceased by his employer, AFCONS Infrastructure Limited, New Delhi. Based on the income tax return, the Tribunal fixed the annual income of the deceased at Rs.3,56,250/-. The age of the deceased was fixed at 31 years based on his Aadhar card marked as Exhibit P5. The Tribunal rightly applied multiplier method and deducted 50% towards personal expenses of the deceased since he died as a bachelor. Therefore, the loss of dependency was arrived at Rs.28,50,000/-. The amount awarded by the Tribunal under



CMA.No.1189 of 2025

WEB COPY

conventional damages like loss of love and affection and funeral expenses are not excessive. In these circumstances, I do not find anything to interfere with the findings of the Tribunal on the questions of quantum also. Accordingly, the Appellant Transport Corporation has not made out any case to interfere with the award and hence, the Civil Miscellaneous Appeal stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

24.04.2025

Index:Yes/No
Internet:Yes/No
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To

1. Motor Accidents Claims Tribunal
Special District Court, MCOP Tribunal (FAC), Salem
2. The Section Officer,
VR Section,
High Court, Madras.



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CMA.No.1189 of 2025

S.SOUNTHAR, J.

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CMA No.1189 of 2025

24.04.2025