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C.M.A.No.2271 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

Coram

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2271 of 2025

Perumal,
S/o.Veeranan,
Residing at No.2/147, South Street,
Mathipannur Post, M.Kallupatti,
Thirumangalam Taluk,
Madurai - 625 704.
...Appellant

Vs.

- 1.The Managing Director,
Tamil Nadu State Transport Corporation,
Bye Pass Road,
Madurai - 625 010.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation,
Having Branch Office T.N.S.T.C.Ltd.,
(Madurai Division),
Koyambedu Bus Terminus C.M.B.T.,
Koyambedu, Chennai - 600 107.
...Respondents

Prayer : Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the award and decree dated 27.11.2024 passed in M.C.O.P.No.5643 of 2019 on the file of the Motor Accidents Claims Tribunal (Chief Judge, Court of Small Causes), Chennai.



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For Appellant : Mr.K.Sivakumar

For Respondents : Mr.M.Murali Vinodh

J U D G M E N T

The above Civil Miscellaneous Appeal arises against the award and decree dated 27.11.2024 passed in M.C.O.P.No.5643 of 2019 on the file of the learned Motor Accidents Claims Tribunal (Chief Judge, Court of Small Causes), Chennai.

2. The appellant is the father of the deceased Alaguselvam. It is the case of the claimant that on 13.06.2019 at about 21.30 hours, while the deceased was riding the two wheeler bearing Registration No.TN-67-AY-1708 at Peraiyur to Usilampatty Road, opposite to Mangalrevu Parasakthi Petrol Bunk, at that time, the Government Bus bearing Registration No.TN-67-N-0866 was driven by its driver in a rash and negligent manner and dashed against the deceased. Due to which, the said Alaguselvam sustained fatal injuries and died on the way to the Hospital. The accident occurred only due to the rash and negligent driving of the driver of the Government Bus and he is solely responsible



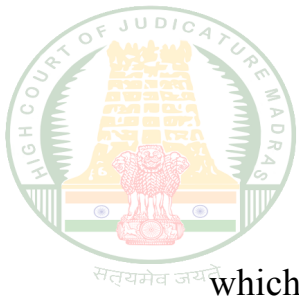
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for the same. At the time of the accident, the deceased was a minor aged about 15 years. The respondents being the owners of the vehicle, they are liable to pay a sum of Rs.20,00,000/- as compensation for the death of the deceased Alaguselvam.

3. The respondents had filed a counter statement disputing the manner of the accident. The deceased, who was a minor, did not possess any valid licence and therefore, there is no negligence on the part of the driver of the bus and therefore, the entire claim of the claimant being the father of the deceased did not entitle to any compensation. Hence, the Tribunal had rightly dismissed the claim petition.

4. Considering the submissions made on either side, the fact reveals that at the time of the accident, the deceased was 15 years old and he was driving the two wheeler, at that time the TN State Transport Corporation bus belonging to the respondents came from the opposite direction and hit against the two wheeler and thereby the accident happened. But denying the said aspect, there is no contra evidence on the side of the respondents. The driver of the bus has not been examined,



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which reveals that the FIR was lodged against the driver of the bus.

Therefore, the accident happened due to gross negligence on the part of the driver of the State Transport Corporation Bus. However, the deceased minor was driving the vehicle without wearing helmet as well as without having a licence and there is a gross violation of policy conditions.

5. Considering the negligence on the part of the minor, this Court is inclined to fix the contributory negligence of 20% on the side of the driver of the two wheeler and 80% was fixed on the side of respondents / Transport Corporation. At the time of the accident, the deceased was aged 15 years. Furthermore, the accident is of the year 2019 and the monthly income is fixed at Rs.5,000/- per month, to which future prospects of 40% is to be added. Considering his age, the appropriate multiplier to be adopted is 15. The annual income would work out to a sum of Rs.3,60,000/- ($\text{Rs.60,000/-} \times 15 \times 40\% = \text{Rs.3,60,000/-}$).



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6. In view of the above discussion, the compensation is to be calculated as follows:-

S. No.	Description	Amount awarded by this Court
1.	Loss of Income (60,000 x 15 x 40%)	Rs.3,60,000/-
2.	Loss of Consortium	Rs.45,000/-
3.	Funeral Expenses	Rs.16,500/-
4.	Loss of Estate	Rs.16,500/-
5.	Transportation	Rs.10,000/-
	Total	Rs.4,48,000/-

7. Accordingly, this Civil Miscellaneous Appeal is partly allowed. The respondents are directed to deposit the entire compensation amount of Rs.4,48,000/- equally with interest @ 7.5% per annum, less the amount already deposited, with proportionate accrued interest and costs, to the credit of M.C.O.P.No.5643 of 2019 on the file of the Motor Accidents Claims Tribunal (Chief Judge, Court of Small Causes), Chennai, within a period of eight weeks from the date of receipt of a copy of this Judgment, if not deposited earlier.



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8. On such deposit, the claimant is permitted to withdraw the entire award amount with proportionate accrued interest and costs, by making necessary applications.

9. The appellant/claimant is directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall not disburse the amount till such time as proof of payment of Court Fee has been produced by the claimant. No costs.

19.08.2025

Speaking order / Non-Speaking order

Index : Yes / No

Neutral Citation : Yes / No

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- 1.The Motor Accidents Claims Tribunal
(Chief Judge, Court of Small Causes), Chennai.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation,
Bye Pass Road,
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Having Branch Office T.N.S.T.C.Ltd.,
(Madurai Division),
Koyambedu Bus Terminus C.M.B.T.,
Koyambedu, Chennai - 600 107.
- 4.The Section Officer,
VR Section,
High Court of Madras.



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T.V.THAMILSELVI, J.

This matter was taken up for hearing under the caption “For Being Mentioned” today at the instance of the learned counsel for the appellant.

2. The learned counsel for appellant would submit that this Court by Judgment dated 19.08.2025 partly allowed the above Civil Miscellaneous Appeal. However, he would submit that in para 5 and 6 of the judgment, though this court fixed income of deceased as Rs.5000/- and arrived 40% towards future prospects and also applied multiplier at 15, but the calculation was wrongly made and the same is to be modified. He would further submit that in para 5, this court has also fixed liability of 20% upon the appellant and 80% upon the respondents transport corporation, but it was not deducted. He would further submit that in para 7 of the order, the enhanced compensation amount awarded by this court was mentioned as Rs.4,48,000/- instead of mentioning as Rs.10,78,400/-. Hence, he prayed to amend the same and requested to issue fresh order copy. Accordingly, the matter has been listed today.



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3. Heard the contentions of learned counsel for appellant and perused the order.

4. Considering his submissions, Registry is directed to substitute the 9th line in para 5 viz., The annual income would work out to a sum of Rs.3,60,000/- (Rs.60,000/- x 15 x 40% = Rs.3,60,000/- as follows:-

“The annual income would work out to a sum of Rs.12,60,000/- (Rs.5000/- + 2000 (40%)=Rs.7000/- x 12 x 15 = Rs.12,60,000/-”

5. Registry is directed to substitute the calculation column in para 6 as follows :-

S.No	Compensation awarded under the head	Amount awarded by this court (in Rs.)
1.	Loss of income/Loss of dependency Rs.5000/- (add 40% future prospects) = 5000 + 2000 = 7000 7000 x 12 x 15 = Rs.12,60,000/-	12,60,000
2.	For loss of consortium	45,000
3.	For Funeral expenses	16,500
4.	For Loss of estate	16,500
5.	For Transportation charges	10,000
	Total	13,48,000
	Less : 20% contributory negligence	2,69,600
	Net Compensation awarded	10,78,400



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6. Registry is directed to substitute the compensation amount mentioned in the order in para 7 viz., “Rs.4,48,000/-” as **“Rs.10,78,400/-”**.

7. Registry is directed to incorporate above correction in the judgment of this Court in C.M.A.No.2271 of 2025 dated 19.08.2025 and issue fresh order copy to the appellant.

08.09.2025

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