



CMA.No.505 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :04.03.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**CMA No.505 of 2025**

The Managing Director  
Tamil Nadu State Transport Corporation  
(Coimbatore Division-2) Limited,  
Chennimalai Road,  
Erode-1

... Appellant

**Vs.**

1.Suseela  
2.K.Kandasamy  
3.The Managing Director  
Tamil Nadu State Transport Corporation  
(Coimbatore Division) Limited  
No.37, Mettupalayam Road,  
Coimbatore-641 043

... Respondents

**Prayer:** Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, to set aside the award dated 11.07.2023 made in MCOP.No.482 of 2020 on the file of the Special District Judge, (To deal with MCOP cases), Erode.

For Appellants : Mr.M.Murali Vinodh  
For Respondent : Mr.C.Kulanthaivel for R1



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## **JUDGMENT**

Aggrieved by the quantum of compensation fixed by the Tribunal, the appellant transport corporation has come before this Court by way of this appeal.

2. According to the claimant/ the mother of the deceased, her son was boarding the bus belonged to the appellant corporation on 21.11.2019. The driver of the appellant corporation had taken his bus in a rash and negligent manner without noticing the fact that the passengers were boarding the bus. As a result of the rash and negligent act of the driver of the appellant corporation, the deceased, who was in process of boarding the bus, fell down and received grievous injuries. After three days, he succumbed to injuries in the hospital. Therefore, the claim petition was laid seeking compensation of Rs.50,00,000/-

3. The appellant herein filed a counter denying the averments and the manner of accident as described in the claim petition. It was the



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case of the appellant that the accident had occurred only due to the negligence of the deceased and hence, the appellant corporation was not liable to pay any compensation.

4. The Tribunal, based on the evidence available on record, came to the conclusion that the accident had occurred due to the negligence on the part of the driver of the appellant corporation. The Tribunal quantified the compensation payable to the claimant at Rs.24,72,000/- Aggrieved by the quantum of compensation, the appellant corporation has come before this Court by way of this appeal.

5. The learned counsel for the appellant submitted that the tribunal fixed Rs.19,600/- towards monthly income of the deceased without any evidence and the same is very much on the higher side. He further submitted that the amount of Rs.50,000/- awarded by the Tribunal under the head pain and suffering is untenable.

6. In the claim petition, it was averred by the claimant that the deceased was working in power loom as weaver and he was earning an income of Rs.15,000/-. However, the claimant could not produce any



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documentary evidence to prove the avocation and income of the deceased. The Tribunal, following the guidelines issued by this Court in *Andal and Others Vs Avinav Kannan and another* reported in **MANU/TN/6368/2018**, fixed the notional income of the deceased at Rs.14,000/- per month. Taking into consideration the age of the deceased was 37 years at the time of the accident, the Tribunal added 40% future prospects and fixed monthly income of Rs.19,600/- which included the future prospects. The accident had occurred in the year 2019. If the date of accident and the prevailing cost of living are taken into consideration, the amount of Rs.14,000/- per month fixed by the Tribunal as notional income is very much on the lower side. However, the Tribunal erroneously granted Rs.50,000/- under the head pain and suffering. In the case of fatal accident, the dependant of the deceased is not entitled to any compensation under the head pain and suffering. However, taking into consideration the notional income of Rs.14,000/- fixed by the Tribunal is on lower side, this Court is not inclined to interfere with the award. Even as per the calculation made by the Tribunal following the guidelines issued in *Andal case*, the monthly



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income should have been fixed as Rs.14,562/-. However, the tribunal fixed the notional income only as Rs.14,000/- Therefore, this Court is not inclined to interfere with the findings rendered by the Tribunal. Accordingly, the Civil Miscellaneous Appeal stands dismissed. Consequently, the Civil Miscellaneous Petition is closed. No costs.

**04.03.2025**

Index:Yes/No  
Internet:Yes/No  
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**To**

1. Motor Accident Claims Tribunal,  
Special District Judge, Erode.
2. The Section Officer,  
VR Section,  
High Court, Madras.



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**S.SOUNTHAR, J.**

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