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C.M.A.No.3696 & 3603 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2025

CORAM :

THE HON'BLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No.3696 & 3603 of 2025
and C.M.P.No.29910 of 2025

C.M.A.No.3696 of 2025

- 1.Manjula
- 2.Minor Gideon
- 3.Minor Stephen

... Appellants

Versus

- 1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Bharathipuram, Salem Main Road,
Dharmapuri.
- 2.Akkaiyamma

... Respondents

C.M.A.No.3603 of 2025

- 1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Bharathipuram, Salem Main Road,
Dharmapuri.

...Appellant

Verses

- 1.Manjula
- 2.Minor Gideon
- 3.Minor Stephen
- 4.Akkaiyamma

...Respondents

COMMON PRAYER: Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, against the order made in M.C.O.P.No.1224 of 2021, dated 12.01.2024, on the file of the Motor Accident Claims Tribunal (Special District Court) Krishnagiri



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For Appellants
in C.M.A.No.3696 of 2025 : Mr.S.P.Yuaraj

For Respondents
in C.M.A.No.3696 of 2025 : Mr.D.Nitin for R1

For Appellants
in C.M.A.No.3603 of 2025 : Mr.Nitin. D

For Respondents
in C.M.A.No.3603 of 2025 : Mr.S.P.Yuaraj for R1 to R3

COMMON JUDGMENT

These appeals are directed as against the award of the Motor Accident Claims Tribunal Special District Court, Krishnagiri in M.C.O.P.No.1224 of 2021, dated 12.01.2024 .

2.Both the Transport Corporation and the claimant have come up with the appeals. While the Transport Corporation challenges the quantum of compensation and liability, the claimant seeks enhancement. The claimant sought for a compensation of Rs.40,00,000/- for the death of the deceased Nagaraj who died in a motor accident that occurred on 07.02.2021. According to the claimants, who are the wife and children of the deceased Nagaraj, the driver of the bus bearing Reg. No. TN 72 N 1600 owned by TNSTC on the fateful day drove the vehicle in a rash and negligent manner, dashed against the deceased who traveled in two wheeler, and he died on the way to the hospital. The claimant submits



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that the deceased was aged about 39 years at the time of accident and he was a TV Mechanic and previously employed in ST Courier service as delivery man and was earning a sum of Rs.36,000/- per month.

3.The claim was resisted by the 1st respondent/ Corporation stating that the accident was due to the negligence of the deceased and the amount claimed by the claimants is excessive.

4.Considering the materials on record, the learned Tribunal concluded that the accident occurred due to the rash and negligent act of the driver of the bus and awarded compensation of Rs.24,77,000/- for the death of the deceased Nagaraj.

5.Assailing the same, the present appeals are preferred.

6.According to the learned counsel for the appellant in C.M.A.No.3696 of 2025, the income fixed by the learned Tribunal is very low and the same warrants interference by this Court.

7.On the other hand, the learned counsel for the respondent /Corporation would contend that the accident did not occur in the manner



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suggested by the claimants and that the deceased contributed to the negligence due to his own negligence.

8.Heard on both sides, records perused.

9.On the question of negligence, the 1st respondent/corporation has relied upon the evidence of R.W.1, driver of the offending vehicle and the rough sketch and final report marked as Exs.R1 and R.2 respectively. Motor accident cases operate on the principle of "preponderance of probabilities" a less strict standard than the "proof beyond reasonable doubt" required in criminal cases. This means the Tribunal can consider a wider range of evidence, including eyewitness testimonies, and other evidence on record. The rough sketch primarily serves as a piece of corroborating evidence. Therefore, it cannot be the sole decisive factor and must be considered as part of the overall evidence. Initially the FIR was lodged against the driver of the bus. However, the deceased was charge sheeted in the final report. If strong contradictory evidence emerges, the charge sheet's importance diminishes, and the case is decided based on all presented evidence. The Claimants have examined P.W.2 as eyewitness to the alleged accident, disputing the charge sheet. The learned Tribunal considering all evidence in a holistic view and



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finally rested his decision on the "preponderance of probabilities", not on criminal proof. No fault can be attributed to the findings of the learned Tribunal.

10. On the quantum, the Tribunal took the monthly income of the deceased at Rs.12,000/-, which found to be low. Considering the fact that the claimant was a courier delivery man at the time of the alleged accident, and the year of accident, the plight of the claimants losing the bread winner of the family, the notional income of the deceased is fixed at the rate of Rs.16,000/- per month and adding 40% towards future prospects the monthly income would come to Rs. 22,400/- making the total compensation towards loss of income $(16000 + 6400 (3/4 \times 15 \times 12 - 5,600 (1/4^{\text{th}} \text{ deduction due to personal expense}) = \text{Rs.}30,24,000/-)$ The claimant was aged about 39 years and thus, calculating the compensation for loss of earning power would be Rs.30,24,000/-. The compensation awarded under other heads are confirmed.

7. Therefore, the compensation awarded by the learned Tribunal towards loss of dependency is enhanced from Rs.22,68,000/- to Rs.30,24,000/-. The total compensation is awarded as hereunder:



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S.No	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted
1.	Loss of Dependency	22,68,000	30,24,000	Enhanced
2.	Loss of Estate	16,500	16,500	Confirmed
3.	Funeral Expenses	16,500	16,500	Confirmed
4.	Loss of Consortium	1,76,000,	1,76,000	Confirmed
	Total	24,77,000	32,33,000	Enhanced by Rs.7,56,000/-

In the result,

(i) **C.M.A.No.3603 of 2025 stands dismissed and C.M.A.No.3696 of 2025 is partly allowed and it is held that the appellants shall be entitled to a compensation of Rs.32,33,000/- along with interest at the rate of 7.5% per annum from the date of claim petition till the realization of the compensation.**

(ii) The enhanced compensation amount of Rs.7,56,000/, in C.M.A.No.3696 of 2025 is apportioned to the claimants as below:

Manjula (first claimant)	Rs.1,56,000/- with costs and interest
Minor. Gideon (second claimant)	Rs.3,00,000/-
Minor Stephen (third claimant)	Rs.3,00,000/-



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On such deposit, the appellants 1, 2 & 3 are permitted to withdraw their share as per their apportionment made by the Tribunal with regard to the award amount and as per the apportionment made by this Court with regard to enhanced compensation along with interest and cost, less the amount already withdrawn, if any. The apportionment made by the Tribunal with regard to the 2nd respondent is upheld.

(iii) The 1st respondent/Corporation is directed to pay the above said compensation amount now determined by this Court in C.M.A.No.3696 of 2025 to the appellants along with interest and costs, less the amount already deposited, if any, within a period of **eight (8) weeks** from the date of receipt of copy of this judgment.

(iv) The claimant in C.M.A.No.3696 of 2025 is not entitled to claim any interest for the period of delay of 543 days in filing this appeal as per order of this Court dated 05.12.2025 in C.M.P.No.26915 of 2025.

(v) The Share amount of the minor appellants 2 & 3 shall be invested in any one of the Nationalized Banks until they attain majority and 1st appellant being the Mother of the minor appellants 2 & 3 are permitted to withdraw the interest accrued on the share of the minor appellants 2 & 3 once in six months for the maintenance and welfare of the minor appellants.

(vi) The appellants are directed to pay the necessary Court fee, if



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any for the enhanced award amount. The Registry is directed to draft the decree only after the receipt of Court fee. No costs. Consequently, connected miscellaneous petition is closed.

08.12.2025

vsn

To:

- 1.The Special District Court,
The Motor Vehicle Accident Tribunal,
Chennai
- 2.The Section Officer,
VR Section, High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI,J.

vsn

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