



WEB COPY

CMA No. 1439 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-06-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1439 of 2025

AND

CMA NO. 1440 OF 2025, CMP NO. 12358 OF 2025

1. A.V.R.Akshaya

W/o Ramkishore, Residing at
Vasanthapuram , Near Housing Unit,
Chinnathirupathi Post, Salem - 636 008.

2. C.V.Ramkishore

S/o. M.Veeramani, Residing at
Vasanthapuram , Near Housing Unit,
Chinnathirupathi Post, Salem - 636 008.

Appellant(s)

Vs

1. The Managing Director

Metro Transport Corporation, Pallavan
House, Anna Salai, Chennai - 2.

Respondent(s)

CMA No. 1440 of 2025

1. The Managing Director

Metropolitan Transport Corporation
Ltd., No.2, Pallavan House, Anna Salai,
Chennai 002



Appellant(s)

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Vs

1. A.V.R. Akshaya
W/o. Ramkishore Vasanthapuram, Near
Housing Unit, Chinna Thirupathi PO,
Salem 636 008

2.C.V.Ramkishore
S/o. M.Veeramani Vasanthapuram, Near
Housing Unit, Chinna Thirupathi PO,
Salem 636 008

Respondent(s)

CMA No. 1439 of 2025

PRAYER

To enhance the amount awarded in MCOP.No.240 of 2012 dated 23-04-2014 on the file of the MACT (III Addl.Dist.Court)Poonamallee.

CMA No. 1440 of 2025

PRAYER

To set aside the fair and decreetal order dated 23.04.2014 passed in M.C.O.P. No. 240 of 2012 by the Learned III Additional District Judge, Motor Accident Claims Tribunal, Poonamallee and dismiss the petition.

CMA No. 1439 of 2025

For Appellant(s): M/s. K. Varadha Kamaraj

For Respondent(s): Mr.S.S.Swaminathan

COMMON JUDGEMENT



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The Civil Miscellaneous Appeal in CMA No. 1439 of 2025 has been filed to enhance the amount awarded passed in MCOP. No. 240 of 2012 dated 23-04-2014 on the file of the MACT (III Addl.Dist.Court) Poonamallee.

2. The Civil Miscellaneous Appeal in CMA No. 1440 of 2025 has been filed to set aside the fair and decreetal order dated 23.04.2014 passed in M.C.O.P. No. 240 of 2012 by the Learned III Additional District Judge, Motor Accident Claims Tribunal, Poonamallee (in short "tribunal").

3. The Brief facts of the case:

On 27.01.2012 at about 07.50 hours, the deceased Mr. A.V.R. Varsan, was riding in a Motor Cycle, bearing Registration No. TN-18-H-6816, on Ambathur Estate - C.T. Road, near Telephone Exchange, Ambathur Estate, When the Respondent's M.T.C. Bus bearing Registration No. TN-01-N7852, driven by its driver, in a rash and negligent manner, endangering the Public Safety, hit behind the deceased Motor Cycle. By the said Accident, the deceased sustained head injury, died on the Spot. The Accident has occurred only due to the rash and negligent driving of the M.T.C. Bus driver. Thereafter, the



respondent filed the petition before the tribunal claiming compensation. After considering the oral and documentary evidence, tribunal awarded a compensation. Challenging the award passed by the tribunal both the claimants and the Transport Corporation filed these appeals.

4. The learned counsel appearing for the Metropolitan Transport Corporation submits that due to the negligence of the deceased accident was occurred and also the tribunal has fixed Rs.28,919/- as the income of the deceased without any evidence and which is very excessive. Hence, he prays to set aside the award passed by the tribunal.

5. The learned counsel for the claimants submit that the claimants have produced the salary certificate of the deceased which was marked as Ex.B3, EX.B6 and Ex.B7, he drawn salary of Rs.30,000/- at the time of the accident but the tribunal has fixed only as Rs.28,919 and also has not adopted multiplier properly. Hence, he prays to enhance the compensation.

5. On perusal of the records, based on the post mortem report the age of the deceased the tribunal has fixed the age of the deceased and based on that the tribunal has rightly adopted multiplier method and also based on the salary



certificate/EX.P9 the tribunal has fixed the salary of the deceased which needs no interference. This Court does not find any reason to interfere with the findings of the tribunal. Accordingly, CMA No. 1440 of 2025 is dismissed. No Costs.

6. In respect of CMA No. 1439 of 2025, as discussed above, based on the salary certificate the tribunal has rightly fixed compensation and adopted multiplier method. Further, the deceased is bachelor at the time of the accident, hence, the tribunal has rightly deducted his expenses. Hence, this Court is not inclined to enhance the compensation. Accordingly, CMA No. 1439 of 2025 is dismissed. No Costs. Pending petition(s), if any, is/are closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1. The Managing Director
Metro Transport Corporation, Pallavan
House, Anna Salai, Chennai – 2.
2. The Section Officer, V.R Section,
High Court, Madras.
3. The MACT
(III Addl. Dist. Court) Poonamallee.



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CMA No. 1439 of 2025



T.V.THAMILSELVI J.
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