



C.M.A(MD)No.923 of 2025

WEB COPY **K.MURALI SHANKAR,J.**

This matter is listed today under the caption “For Being Mentioned” at the instance of the learned Counsel for the appellant.

2. This Court vide judgment, dated 29.08.2025 in C.M.A(MD)No.923 of 2025, partly allowed the appeal. The learned counsel appearing for the appellant would submit that there is typographical error in the award amount mentioned in tabular column, where it is stated as Rs.22,11,000/- instead of Rs.22,21,000/- and hence, he seeks necessary corrections in the said order.

3. Heard both sides and also perused the judgment, dated 25.09.2025.

4. Considering the above, paragraph Nos. 14 and 15 shall be substituted by the following:

“ 14.The Tribunal has rightly awarded Rs.48,000/- each towards loss of filial consortium and Rs.18,000/- towards funeral expenses; Rs.18,000/- for loss of estate and Rs.10,000/- for transportation charges under the conventional heads. Considering the above, this Court decides that the claimants are entitled to get compensation under the various heads as follows:



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<i>Head of compensation</i>	<i>Amount awarded by the tribunal</i>	<i>Amount confirmed/modified by this Court</i>
<i>Loss of dependency</i>	<i>Rs.30,24,000/-</i>	<i>Rs.20,79,000/-</i>
<i>Loss of estate</i>	<i>Rs. 18,000/-</i>	<i>Rs. 18,000/-</i>
<i>Loss of filial consortium (48,000x2)</i>	<i>Rs. 96,000/-</i>	<i>Rs. 96,000/-</i>
<i>Funeral expenses</i>	<i>Rs. 18,000/-</i>	<i>Rs. 18,000/-</i>
<i>Transportation charges</i>	<i>Rs. 10,000/-</i>	<i>Rs. 10,000/-</i>
<i>Total</i>	<i>Rs.31,66,000/-</i>	<i>Rs.22,21,000/-</i>

Considering the other facts and circumstances, this Court further decides that the parties are to be directed to bear their own costs and the above point is answered accordingly.

*15. In the result, the Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the tribunal is reduced from **Rs.31,66,000/-** to **Rs.22,21,000/-**. Out of the said compensation amount, the first claimant is entitled to get Rs.6,10,000/-; the second claimant is entitled to get Rs.11,11,000/- and the third claimant is entitled to get Rs.5,00,000/-. The Appellant/Transport Corporation is directed to deposit the modified amount with interest at 7.5% per annum, within a period of four weeks from the date of receipt of a copy of this judgment, if not already deposited. The claimants are*



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permitted to withdraw the said amount by filing necessary application before the Tribunal. Parties are directed to bear their own costs. Consequently, connected Miscellaneous Petition is closed."

5. Registry is directed to carry out the necessary corrections and issue fresh order copy to the parties concerned.

25.09.2025

das



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 29.08.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.M.A(MD)No.923 of 2025
and
C.M.P(MD)No.14037 of 2025

The Branch Manager,
Tamil Nadu State Transport Corporation Ltd.,
Pudukkottai Zone,
Having office at Rajagopalapuram,
Pudukkottai.

: Appellant

Vs.

1. Radhakrishnan

2.Maheswari

3.Jayasri

: Respondents

(Minor 3rd respondent is declared as Major and the guardianship of her mother R2/Maheswari is discharged, vide Court order, dated 01.08.2025 made in C.M.P(MD)Nos.11455 & 11456 of 2025 in CMA(MD)SR.12153/2025)

PRAYER:- Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree, dated 22.12.2023, in M.C.O.P.No.200 of 2019, on the file of the Motor Accident Claims Tribunal/Additional District Court), Sivagangai.



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For Appellant : Mr.S.Micheal Heldon Kumar

For Respondents : Mr.D.Gnanasekaran

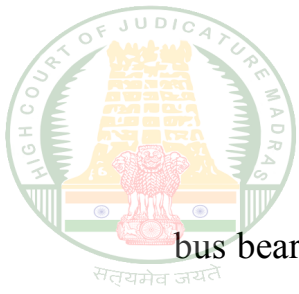
JUDGMENT

The Civil Miscellaneous Appeal is directed against the award passed in M.C.O.P.No.200 of 2019, dated 22.12.2023, on the file of the Motor Accident Claims Tribunal/Additional District Court), Sivagangai.

2.The appellant/Transport Corporation, who was mulcted with liability to pay compensation of Rs.31,66,000/- with interest at 7.5% per annum to the respondents 1 to 3/claimants for the death of Vignesh, consequent to an accident occurred on 13.01.2015, challenged the liability mulcted on it and quantum of compensation awarded by the Tribunal.

3.For the sake of convenience and brevity, the parties herein after will be referred as per their ranking/status before the Tribunal.

4.The case of the claimants is that on 13.01.2015, evening the said Vignesh went to the market for purchasing some groceries in the nearby town Thiruppathur and while he was returning to his home in his Bajaj-discover motor cycle from east to west and at the place near Rettai Kanmoi, a



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bus bearing Registration No.TN-63-N-0579, which came from west to east in a rash and negligent manner and without sounding horn proceeded on the extreme right side of the road and dashed against the two wheeler and as a result of which, the two wheeler rider sustained multiple grievous injuries and died on the spot and that the accident was occurred only due to the rash and negligent driving of the bus driver. It is the further case of the claimants that the deceased Vignesh was studying final year Electrical and Electronic-Engineering (three year course) in Maharaja Polytechnic College at S.V.Mangalam, Singampunari Taluk, Sivagangai District.

5. The defence of the respondent is that the driver of the bus bearing Registration No.TN-63-N-0579 had taken a trip at 07.00 pm on 13.01.2015 from Madurai bus stand towards Pudukottai; that the driver on noticing that the rider of the two wheeler was proceeding in a rash and negligent manner, reduced the speed and stopped the vehicle on the left side, but the two wheeler rider had overtaken the vehicle in front side and unable to control the speed, dashed against the right side body of the bus and caused the accident and that the accident was occurred only due to the rash and negligent driving of the two wheeler rider and the bus driver was not at fault.

6. During trial, the claimants examined the second claimant as P.W.1



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and one Mangayarkarasi as P.W.2 and exhibited 17 documents as Ex.P.1 to Ex.P.17. The respondent/Transport Corporation adduced neither oral nor documentary evidence.

7.The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, has passed the impugned award, dated 22.12.2023, holding that the bus driver was responsible for the accident, directed the respondent/corporation to pay compensation of Rs.31,66,000/- with interest and costs. Aggrieved by the impugned award, the respondent/Transport Corporation has preferred the present appeal.

8.Though the respondent/Transport Corporation in the appeal memorandum has taken a stand that the Tribunal, without considering the oral and documentary produced, has erroneously fixed the entire negligence on the bus driver, they have not raised any specific ground challenging the negligence aspect and the consequent liability.

9. It is pertinent to note that the claimants have examined P.W.2 occurrence witness and she would depose about the mode of accident. Though P.W.2 was subjected to cross examination, nothing was elicited by the respondent side in their favour. More importantly, as already pointed out, the

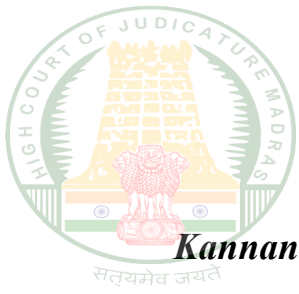


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respondent has not chosen to examine its driver or conductor of the bus nor adduced any evidence to prove their defence theory.

10. In the absence of the any contra evidence with regard to the negligence, the Tribunal considering the evidence available on record has rightly come to a decision that the accident was occurred only due to the rash and negligent driving of the bus driver and as such, the same cannot be found fault with.

11. Now turning to the quantum of compensation, the learned counsel for the respondent would submit that the Tribunal, without any iota of evidence, has erroneously fixed the monthly income of the deceased at Rs.15,000/- , which is very much excessive. It is the specific case of the claimants that the deceased was studying final year in Electrical-Electronic-Engineering (three year course) in Maharaja Polytechnic College at S.V.Mangalam, Singampunari Taluk, Sivagangai District. The Tribunal, considering some decisions of this Court, has notionally fixed the monthly income at Rs.15,000/-. In the absence of any evidence to show the income of the deceased, it would useful to follow the decision of Hon'ble Supreme Court in the case of *Syed Sadiq Vs. Divisional Manager, United India Insurance Co., Ltd.*, reported in 2014(2) SCC 735 and the judgment of this Court in *Andal and others Vs. Avinav*



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Kannan and another reported in **2019(1) TNMAC 54**, wherein the cost inflation index was taken into account. In **Syed Sadiq's** case above referred, the Hon'ble Supreme Court has fixed the notional income of the vegetable vendor in the year 2014 as Rs.6,500/- per month. Considering the fact that the deceased was studying final year in Electrical-Electronic-Engineering, this Court is inclined to take Rs.7,500/- as basis, for applying the cost inflation index to fix the monthly income.

12. The Tribunal, taking note of the postmortem certificate, fixed the age of the deceased as 19 years and the same was not disputed by the other side. In the present case, the accident was occurred on 13.01.2015 and hence, the cost inflation index for the year 2014-2015 is '240'. Considering the above and taking note of the submission made on either side, this Court fixes the notional monthly income at Rs.13,750/-. The Tribunal has rightly added 40% of the income toward future prospects and as such, the monthly income comes to Rs. 19,250/- ($13,750/- + 40/100 = 19,250/-$)

13. It is the admitted case of the claimants that the deceased died as bachelor and hence, 50% of the income is to be deducted towards personal and living expenses of the deceased, but the Tribunal deducted 1/3 of the income, which is against the dictum laid down by the Hon'ble Supreme Court in the case of **Sarla Verma and others vs Delhi Transport Corporation and**



another reported in **(2009) 6 SCC 121**. The Tribunal has rightly applied the multiplier '18' and as such, the loss of dependency comes to Rs. 20,79,000/- (Rs.9,625 x 12 x 18)

14.The Tribunal has rightly awarded Rs.48,000/- each towards loss of filial consortium and Rs.18,000/- towards funeral expenses; Rs. 18,000/- for loss of estate and Rs.10,000/- for transportation charges under the conventional heads. Considering the above, this Court decides that the claimants are entitled to get compensation under the various heads as follows:

Head of compensation	Amount awarded by the tribunal	Amount confirmed/modified by this Court
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Loss of filial consortium (48,000x2)	Rs. 96,000/-	Rs. 96,000/-
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Transportation charges	Rs. 10,000/-	Rs. 10,000/-
Total	Rs.31,66,000/-	Rs.22,11,000/-

Considering the other facts and circumstances, this Court further decides that the parties are to be directed to bear their own costs and the above point is answered accordingly.



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15. In the result, the Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the tribunal is reduced from **Rs.31,66,000/-** to **Rs.22,11,000/-**. Out of the said compensation amount, the first claimant is entitled to get Rs.6,00,000/-; the second claimant is entitled to get Rs. 11,11,000/- and the third claimant is entitled to get Rs.5,00,000/-. The Appellant/Transport Corporation is directed to deposit the modified amount with interest at 7.5% per annum, within a period of four weeks from the date of receipt of a copy of this judgment, if not already deposited. The claimants are permitted to withdraw the said amount by filing necessary application before the Tribunal. Parties are directed to bear their own costs. Consequently, connected Miscellaneous Petition is closed.

29.08.2025

NCC : Yes: No
Index : Yes : No
Internet : Yes : No
das

To

- 1.The Motor Accident Claims Tribunal/
Additional District Court, Sivagangi.
- 2.The Record Keeper,
Vernacular Section,

11/12



Madurai Bench of Madras High Court,
Madurai.

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K.MURALI SHANKAR,J.

DAS

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and
C.M.P(MD)No.14037 of 2025

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