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CMA(MD).No.537 of 2014 and CMA(MD).No.5 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19-11-2025

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THE HONOURABLE MS.JUSTICE R. POORNIMA

CMA(MD) Nos.537 of 2014 and 5 of 2025

CMA(MD).No.537 of 2014

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Division,
Bye-pass Road,
Madurai.

Appellant / 2nd respondent

Vs

1.Thangathurai Pandian .. Respondents 1 & 2 / petitioners 1 & 2
2.Sreemathi (died)
3.Krishnaswamy .. 3rd respondent / 1st respondent
4.S.T.Anand
5.S.T. Sreedharan .. Respondents 4 & 5/ LRs of the R2
(respondents 4 and 5 are brought on record as LRS
of the deceased 2nd respondent vide Court, order dated 10.03.2023
made in CMP(MD).No.2896 of 2023 in CMA(MD).No.537 of 2014)

Prayer: Civil Miscellaneous Appeals filed under Section 173 of Motor Vehicles
Act against the Judgment and Decree dated 18.12.2009 made in MCOP.No.28 of



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2009 on the file of the Motor Accidents Claims Tribunal, Principal Subordinate Judge, Nagercoil and praying to set aside the same.

For appellant : Mr. P. Prabhakaran
For respondents 1, 4 & 5 : Mr.T. Selvakumaran
for Mr.C.T. Perumal
For 3rd respondent : No appearance

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1.Thangathurai Pandian
2.Sreemathi (died)
3.S.T.Anand

4.S.T. Sreedharan
(cause title is accepted vide Court order, dated
28.03.2023 made in CMP(MD).No.3794/2023 in
CMA(MD).SR.No.16286 of 2023)

.. Appellants / petitioners

Vs.

1. Krishnasamy
2. The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Division,
Bye-pass Road,
Madurai.

Respondents / Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act to enhance the award amount in MCOP.No.28 of 2009 on the file of the Motor Accidents Claims Tribunal (1st Additional Subordinate Judge), Nagercoil



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dated 18.12.2009.

For appellants : Mr. T. Selvakumaran

For 1st respondent : No appearance

For 2nd respondent : Mr.P. Prabhakaran

COMMON JUDGMENT

These Civil Miscellaneous Appeals are directed against the Award dated 18.12.2009 passed in MCOP No.28 of 2009 on the file of the Motor Accidents Claims Tribunal / I Additional Subordinate Judge, Nagercoil.

2. Both the appeals arise out of the same Award. CMA(MD) No.537 of 2014 has been filed by second respondent / Transport Corporation challenging the award, while CMA(MD) No.5 of 2025 has been filed by the claimants seeking enhancement of compensation.

3. For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

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4. The case of the claimants is that on 24.07.2005 at about 7.45 a.m., the deceased was travelling as a pillion rider on a motorcycle bearing Registration No. TN 63 E 2209, ridden by his friend Prabhakaran. While they were returning to Madurai University Hostel from Azhagarkoil Temple after worship, the bus belonging to the Transport Corporation bearing Registration No. TN 45 NS 1728 came from the opposite direction at a high speed in a rash and negligent manner and dashed against the motorcycle. Due to the impact both the rider and pillion rider were thrown onto the road and fell beneath the wheels of the bus, resulting in their instantaneous death. The accident occurred solely due to the rash and negligent driving of the bus driver. Hence, the claimants sought compensation of Rs.12,62,500/-.

5. The second respondent / Transport Corporation filed a counter statement denying the manner of occurrence of the accident and the allegation of negligence on the part of the bus driver. According to the Transport Corporation, the accident occurred only due to the negligence of the deceased and the rider of



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the motorcycle.

6. The Tribunal, upon consideration of the pleadings and the oral and documentary evidence, held that the accident occurred due to the rash and negligent driving of the bus driver and awarded a total compensation of Rs.9,16,000/-.

7. Aggrieved by the said award, the Transport Corporation has filed CMA(MD) No.537 of 2014. The claimants have filed CMA(MD) No.5 of 2025 seeking enhancement of compensation.

8. The learned counsel appearing for the Transport Corporation submitted that the Tribunal erred in fixing the entire negligence on the driver of the bus. It was contended that the claimants deliberately failed to implead the owner and insurer of the motorcycle involved in the accident and that such non-joinder of necessary parties is fatal to the claim. It was further submitted that the monthly income of the deceased was fixed without any documentary evidence and that the compensation awarded under various heads, as well as interest awarded at the rate



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of 7.5% per annum, is excessive.

9. Per contra, the learned counsel for the claimants submitted that the deceased was pursuing Ph.D. at the time of the accident and would have earned substantially higher income upon completion of his doctorate. It was contended that the Tribunal erred in fixing the monthly income at Rs.7,500/- and that it ought to have fixed at least at Rs.30,000/- with application of multiplier “17”. It was further submitted that the compensation awarded under various heads is meagre and warrants enhancement.

10. I have heard the learned counsel appearing on either side and carefully perused the materials available on record.

11. On a consideration of the evidence, this Court finds that the Tribunal has properly appreciated the oral and documentary evidence and has rightly concluded that the accident occurred solely due to the rash and negligent driving of the bus driver. This finding does not call for interference.



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12. However, with regard to the determination of income, the calculation adopted by the Tribunal is not in accordance with the principles laid down by the Hon'ble Supreme Court. On reappraisal of the evidence, the monthly income of the deceased is fixed at Rs.7,000/-. Adding 40% towards future prospects, the monthly income comes to Rs.9,800/-. Applying the multiplier of '17' and deducting $\frac{1}{2}$ towards personal expenses, the claimants are entitled to a sum of Rs.9,99,600/- towards loss of income ($\text{Rs.9,800} \times 12 \times 17 \times \frac{1}{2}$).

13. The Tribunal has awarded a sum of Rs.20,000/- towards loss of love and affection, which is meagre and is enhanced to Rs.80,000/-. The amounts awarded towards loss of estate and funeral expenses are modified and the claimants are entitled to Rs.15,000/- each under the said heads. In all other respects, the award of the Tribunal is confirmed.

14. Accordingly, the total compensation awarded by the Tribunal is modified and enhanced from Rs.9,16,000/- to Rs.12,09,600/- (Rupees Twelve Lakhs Nine Thousand Six Hundred only), together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit. The amount



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awarded by the Tribunal is modified as follows:

<i>S.No.</i>	<i>Heads</i>	<i>Amount (Rs.)</i>
1.	Loss of income	9,99,600
2.	Loss of love and affection	80,000
3.	Loss of estate	15,000
4.	Funeral expenses	15,000
5.	Loss of future prospective	1,00,000
	Total	12,09,600

14. In the result, CMA(MD) No.5 of 2025 is partly allowed. In view of the enhancement of compensation in CMA(MD).No.5 of 2025, the appeal filed by the Transport Corporation in CMA(MD) No.537 of 2014 is dismissed. No costs.

15. The Transport Corporation is directed to deposit the modified award amount of Rs.12,09,600/- (Rupees Twelve Lakhs Nine Thousand and Six Hundred only), together with interest at 7.5% per annum from the date of petition till the date of deposit, after deducting the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the claimants are permitted to withdraw their respective shares



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as per the apportionment fixed by the Tribunal, on filing appropriate applications before the Tribunal.

19-11-2025

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To

1. The Motor Accidents Claims Tribunal, Principal Subordinate Judge, Nagercoil
2. The Section Officer, VR Section, High Court, Madurai.



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R. POORNIMA, J.

Trp

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