



C.M.A.(MD)No.387 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED : 25.04.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

C.M.A.(MD)No.387 of 2025

and

C.M.P.(MD)No.6958 of 2025

Tamil Nadu State Express Transport Corporation,
Represented through its Managing Director,
having his office at Esplanade,
Chennai.

... Appellant

Vs.

1. S.Chellammal
2. S.Subramani
3. S.Muthu Kumar
4. S.Sakunthala

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the award made in M.C.O.P.No.231 of 2019 dated 16.11.2023 on the file of the Motor Accident Claims Tribunal cum Special District Court, Madurai.

For Appellant : Mr.Prabhakaran



C.M.A.(MD)No.387 of 2025

WEB COPY

JUDGMENT

The Civil Miscellaneous Appeal has been filed challenging the order dated 16.11.2023 made in M.C.O.P.No.231 of 2019 on the file of the Motor Accident Claims Tribunal cum Special District Court, Madurai.

2. For the sake of convenience, the parties herein are referred to, as per their rank before the Tribunal.

3. The brief facts in a nutshell are as follows:

(i) The claimants are the legal heirs of the deceased and the respondent is the Transport Corporation. On 10.02.2008 at about 22.00 hours, the deceased Sundarapandian was riding his two-wheeler bearing Registration No.TN-59-W-8939, at a moderate speed, on the left side of Palam Station Road, travelling from Kulamangalam Main Road towards Aruldasapuram from north to south. At the Kulamangalam Main Road Junction, the respondent bus, bearing Registration No.TN-01-N-6821, which was driven in a rash and negligent manner from west to east, dashed



C.M.A.(MD)/No.387 of 2025

against the deceased. As a result of which, the deceased was thrown off his two-wheeler, sustained severe head injuries. He was admitted in the Government Rajaji Hospital for a period of 18 days, and was later discharged and referred to Lakshmi Narayanan Hospital, Meenambalpuram, Madurai, and died on the way to the higher centre. In this regard, a First Information Report was registered by the jurisdictional police.

(ii) The Tribunal has examined two witnesses on the side petitioner and marked Ex.P.1 to Ex.P.13. On the side of the respondent one witness was examined and no documents were marked.

(iii) On the basis of the arguments made, the evidence deposed and the materials available on record, the Tribunal proceeded to pass an award of Rs.5,10,000/-. However, challenging the same, the Transport Corporation has filed this appeal, stating that the quantum fixed by the Tribunal is exorbitant and that the notional income of the deceased, fixed at Rs.5000/- is on the higher side.

4. Heard the learned Counsel for the appellant and perused the materials available on record.



C.M.A.(MD)/No.387 of 2025

WEB COPY

5. Considering the nature of the appeal which pertains to the ground of quantum, notice to the respondents is hereby dispensed with.

6. A careful perusal of the order passed by the Tribunal reveals that the deceased had worked as a watchman, earning Rs.5,000/- per month at the time of the accident. Though no proof has been filed before the Tribunal in this regard, the Tribunal proceeded to fix the notional income at Rs.5,000/- per month. However, I am of the considered opinion that a higher amount could have been fixed, taking into account the prevailing cost of living. Hence, I am not inclined to interfere with the award passed by the Tribunal. Accordingly, this Civil Miscellaneous Appeal stands dismissed.

7. The appellant / Transport Corporation is directed to deposit the compensation amount with accrued interest and costs to the credit of M.C.O.P.No.231 of 2019 on the file of the Motor Accidents Claims Tribunal cum Special District Court, Madurai, within a period of four weeks (4) from the date of receipt of copy of this judgment, less the



C.M.A.(MD)No.387 of 2025

amount, if any already deposited. On such deposit, the claimants are permitted to withdraw the said amount, less the amount, if any already withdrawn, by making necessary application before the Tribunal. No costs. Consequently, connected miscellaneous petition is closed.

25.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes

jbr

To

1. The Special District Judge / MACT,
Madurai.

2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.M.A.(MD)No.387 of 2025

L.VICTORIA GOWRI, J.,

jbr

C.M.A.(MD)No.387 of 2025

25.04.2025