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C.M.A.No.3352 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2026

CORAM

THE HONOURABLE MRS. JUSTICE R. KALAIMATHI

C.M.A.No.3352 of 2025

and

C.M.P.No.27593 of 2025

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Periyamilaguparai,
Tiruchirappalli.

...Appellant

vs.

1.S.Chandrakala
2.S.Deepan
3.Minor S.Deepika
(Minor/R3 rep. by her mother S.Chandrakala/R1)
4.Lakshmi
5.T.Kumaresan
s

...Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree dated 25.06.2024 made in M.C.O.P.No.78 of 2019 on the file of the Special District Judge (to deal with MCOP cases), Erode.

For Appellant : Mr.M.Murali Vinoth
For R1 to R4 : Mr.S.P.Yuvaraj



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JUDGMENT

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This Civil Miscellaneous Appeal has been preferred against the Award dated 25.06.2024 made in M.C.O.P.No.78 of 2019 on the file of the Special District Judge (to deal with MCOP cases), Erode. This civil Miscellaneous Appeal is preferred by the sole respondent as regards negligence and on quantum.

2. The parties are indicated herein as per their litigative status and ranking before the Tribunal.

3. The claim petition was filed by the legal heirs of one Sakthivel under Section 166 of the Motor Vehicles Act, 1988, claiming compensation of Rs.50,00,000/- for the death of Sakthivel, in a road traffic accident that took place on 19.03.2019.

4. The Tribunal upon consideration of the oral and documentary evidence and after hearing arguments advanced by either side, granted compensation of Rs.23,84,750/- with interest at the rate of 7.5% p.a. from the date of claim petition.



5. The learned counsel for the appellant/Transport Corporation would vehemently contend that the fact that the deceased was standing on rear side footboard was spoken out by P.W.2 and on the respondent's side, the conductor/R.W1 also has spoken about the said fact. But, the Tribunal has not fixed contributory negligence upon the deceased. He would further contend that the deceased was said to be a bus driver and the Tribunal fixing the notional income of the deceased at Rs.15,000/- is on the higher side.

6. *Per contra*, the learned counsel for the respondents/claimants would strenuously argue that the fact that the deceased was standing on the rear side footboard is incorrect and the amounts awarded under different heads by the Tribunal in the given circumstances are reasonable and sought for dismissal of the appeal.

7. It is relevant to refer to the cross-examination of R.W.1 as regards the fact that the deceased was standing on the rear side of footboard. During the cross-examination of R.W.1, he would state that "... அவர் பேருந்துக்குள் ஏறி கடைசி சீட்டில் உட்கார்ந்து இருந்தார் என்றால் சரிதான்...". Even R.W.1 would accede to the fact that the deceased was sitting on the last



row, it should not lie in the mouth of the appellant that he was standing on the rear side footboard. Such contention is totally not acceptable.

8. As regards the notional income of the deceased, it has come on record through the evidence of P.W.1 that the deceased was working as a bus driver and was earning a sum of Rs.30,000/- p.m. including batta. To substantiate the said details, no concrete proof was marked on the claimants' side. However, in consideration of the evidence of P.W.1, the Tribunal fixed the notional income at Rs.15,000/- p.m. It is relevant to note that the deceased died at the age of 50 years. In such circumstances, fixing of notional income at Rs.15,000/- by the Tribunal is reasonable and cannot be found fault with.

9. In the result,

(i) Based on the aforestated observations and discussion, the Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(ii) The compensation of Rs.23,84,750/- awarded by the Tribunal in M.C.O.P.No.78 of 2019, dated 25.06.2024, on the file of the Special District Judge (to deal with MCOP cases), Erode, stands confirmed.

(iii) The appellant/Transport Corporation is directed to deposit the



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compensation amount i.e., Rs.23,84,750/- (less the amount already deposited, if any) along with interest at 7.5% p.a. from the date of filing of the claim petition till the date of realisation to the credit of M.C.O.P.No.78 of 2019 on the file of the Special District Judge (to deal with MCOP cases), Erode, within a period of eight (8) weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the respondents 1, 2 and 4 are permitted to withdraw their share award amount, as apportioned by the Tribunal, with interest, after adjusting the amount, if any, already withdrawn, by filing necessary application before the Tribunal.

(v) The share of the minor/third respondent shall be deposited in any one of the Nationalized Banks in an interest bearing Fixed Deposit, initially for a period of three years, renewable thereafter, till the minor attains majority and the first respondent, who is the mother of the minor, S.Chandrakala, is permitted to withdraw interest once in three months from the said amount.

22.01.2026

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
apd



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To

1.The Judge,
Special District Judge (to deal with MCOP cases),
Erode.

2. The Section Officer,
VR Section,
High Court, Madras.



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R.KALAIMATHI, J.

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