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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

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THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMA No. 3575 of 2026
and C.M.P.No.29139 of 2026

CNR: {HCMA011538612026}

Metropolitan Transport Corporation Limited,
Rep. by its Managing Director,
Pallavan Salai,
Chennai-600 002.

..Appellant(s)

Vs

1. Rajendra Kumar Kathotiya

2. Pramod Kumari Kathotiya

3. Anjali Paresh Karia

..Respondent(s)

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award dated 03.07.2025 made in M.C.O.P.No.1793 of 2019, before the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai.

For Appellant(s): Mr.Anton Dhanasekaran

JUDGMENT

The unsuccessful Transport Corporation has filed this Civil Miscellaneous Appeal challenging the negligence fixed on them and the

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quantum of compensation awarded by the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai, vide award dated 03.07.2025 made in M.C.O.P.No.1793 of 2019.

2. The first and second claimants are the parents of the deceased Ambuj Kathotiya and the third claimant is the wife of the deceased Ambuj Kathotiya. According to the claimants/respondents herein, on 17.11.2018 at about 08.45 a.m., the deceased Ambuj Kathotiya was riding his motorcycle bearing Reg.No.TN 05 BS 5014, at that time, a MTC Bus bearing Reg.No.TN 01 N 8229 belonging to the appellant Transport Corporation was driven by its driver in a rash and negligent manner and hit behind the deceased's motorcycle, due to which, the deceased died on the spot.

3. The appellant/Transport Corporation has filed a counter statement denying the manner of accident and stated that the deceased attempted to overtake the bus and hit the right side middle body of the bus and lost his balance and caught on the rear wheel of the bus and sustained fatal injuries.

4. Before the Tribunal, on behalf of the claimants, the second claimant herself was examined as P.W.1 and eye-witness was examined as P.W.2 and Ex.P1 to Ex.P11 were marked. On the side of the respondent, no witness was examined and no document was marked.

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5. On appreciation of evidence adduced on either side, the Tribunal found that the accident occurred due to rash and negligent driving of the driver of the bus. With regard to the quantum of compensation, the Tribunal has fixed a sum of Rs.25,000/- per month and added 40% towards future prospects as per the judgment of the Hon'ble Supreme Court of India in the case of ***National Insurance Company Limited vs. Pranay Sethi and others*** in ***S.L.P(Civil).No.25590 of 2014*** and 1/3rd was deducted towards personal and living expenses of the deceased, since there are three dependents and the multiplier "17" was adopted by applying the ratio laid down by the Hon'ble Supreme Court of India in the case of ***Sarla Verma and others vs. Delhi Transport Corporation and another*** reported in ***(2009) 4 MLJ (SC) 997*** and accordingly, a sum of Rs.47,60,000/- was awarded under the head of loss of dependency and also, the following compensation was awarded by the Tribunal under various heads:-

Sl.No.	Heads	Amount
1.	Loss of dependency	Rs.47,60,000/-
2.	Loss of consortium	Rs.1,20,000/-
3.	Loss of Estate	Rs.15,000/-
4.	Funeral Expenses	Rs.15,000/-
5.	Transport charges	Rs.5,000/-
	Total	Rs.49,15,000/-

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6. Aggrieved over the fixation of negligence and the quantum of compensation awarded by the Tribunal, the appellant/Transport Corporation has preferred this appeal.

7. The learned counsel appearing for the appellant would submit that the Tribunal has erred in fixing the entire negligence on the part of the appellant/Transport Corporation only based on Ex.P4/FIR Copy and Ex.P5/Rough Sketch prepared by the Investigator and the evidence of P.W.2/eye-witness is not supported to the case of the claimants/respondents herein. In the absence of proof of income of the deceased, the Tribunal ought not to have fixed a sum of Rs.25,000/- as monthly income of the deceased.

8. This Court considered the submissions made by the learned counsel appearing for the appellant/Transport Corporation and perused the materials available on record.

9. In order to prove the negligence on the part of the driver of the appellant Transport Corporation's bus, the claimants have relied upon the evidence of P.W.2, who is stated to be an eye-witness and who had categorically deposed about the manner of accident. It is relevant to note that there is no contra evidence adduced by the appellant Transport Corporation to disprove the negligence act of the driver of the bus and neither the driver of the

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bus nor any other independent witness has been examined to establish the fact that the accident occurred only due to rash and negligent act of the deceased. In the absence of any evidence, the Tribunal has rightly come to a conclusion that the accident occurred due to rash and negligent driving of the driver of the bus.

10. With regard to the quantum of compensation awarded by the Tribunal, in Ex.P8/Salary slip of the deceased for the month of November 2018, the monthly income was mentioned as Rs.65,000/-, whereas, in Ex.P9/a copy of the bank statement of the deceased, the salary for the month of October 2018 was credited as Rs.48,947/- and since there was a difference between the salary credited for the month of October 2018 and for the month of November 2018, the Tribunal, considering the age of the deceased and the other relevant factors, fixed the monthly income of the deceased as Rs.25,000/- which appears to be just and proper and does not require any interference by this Court. By applying the ratio laid down by the Hon'ble Supreme Court of India in the case of ***National Insurance Company Limited vs. Pranay Sethi and others*** in ***SLP(Civil).No.25590 of 2014,*** 40% was added towards future prospects and since there were three dependents, 1/3rd was deducted towards personal and living expenses of the deceased and the multiplier "17" was adopted as per the ratio laid down by the Hon'ble Supreme Court of India in the case of ***Sarla Verma and others vs. Delhi Transport Corporation and another*** reported in ***(2009) 4 MLJ (SC) 997*** and accordingly, a sum of Rs.47,60,000/- was awarded

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under the head of loss of dependency which appears to be just and proper. The compensation awarded under the other heads, namely, loss of consortium, loss of estate, funeral expenses and transport charges, also appears to be just and proper and does not require any interference by this Court.

11. Accordingly, this Civil Miscellaneous Appeal is dismissed and the award dated 03.07.2025 made in M.C.O.P.No.1793 of 2019 by the Motor Accident Claims Tribunal, IV Court of Small Causes, Chennai, is hereby confirmed. There shall be no order as to costs. Connected miscellaneous petition is closed.

28-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

ssb

To
1.The Motor Accident Claims Tribunal,
IV Court of Small Causes, Chennai.

2. The Section Officer,
V.R. Section,
High Court,
Chennai.

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M.JOTHIRAMAN, J.

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