



C.M.A.No.2700 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2026

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

C.M.A.No.2700 of 2022

and

C.M.P.No.21154 of 2022

The Managing Director,
Tamil Nadu State Transport Corporation,
No.12, Ramakrishna Road,
Salem – 636 007.

... Appellant

Vs.

1.Murugayee

2.Ramasamy

3.Correspondent,
Malar Matric Higher Secondary School,
Teacher's Colony, Paramathi Vellore Taluk,
Namakkal District.

4.Manager,
National Insurance Company Limited,
No.457/2, Near Lakshmi Theatre,
Rasipuram Main Road, Senthamangalam Taluk,
Namakkal District.

... Respondents



C.M.A.No.2700 of 2022

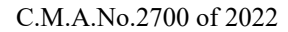
Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed by the Motor Accident Claims Tribunal, Additional District Court, Namakkal, in M.C.O.P.No.1226 of 2015 on 18.04.2022.

For Appellant : Mr.D.Nitin
For R1 and R2 : Mr.R.Prabakar
For R3 : Mr.Deepan Uday
For R4 : Mr.J.Chandran

J U D G M E N T

(Judgment was delivered by **N. SATHISH KUMAR, J.**)

Challenging the Award of the Motor Accident Claims Tribunal (Additional District Court, Namakkal) (hereinafter referred to as “the Tribunal” for brevity) in M.C.O.P.No.1226 of 2015, dated 18.04.2022, awarding compensation of Rs.24,96,200/- to the respondents 1 and 2/claimants, the present Appeal has been filed by the State Transport Corporation.



On 26.08.2015, at about 08.45 a.m., while the deceased Gopal, aged 20 years studying First Year MBA, was travelling to his College in the Government Bus belonging to the appellant Transport Corporation bearing Registration No.TN-30-N-1006, on the Salem-Karur National Highway, when the Bus entered the Service Road, the driver of the Bus drove the Bus in a rash and negligent manner and dashed against a stationed School Bus bearing Registration No.TN-88-Z-6085 on its backside. Due to the said impact, the deceased was thrown out of the Government Bus and sustained grievous injuries all over his body and later, succumbed to the injuries. A criminal case was also registered as against the driver of the Government Bus in Paramathi Police Station Crime No.203 of 2015 for the offences under Sections 279 and 304-A IPC.

3.The claimants are the parents of the deceased. It is the case of the claimants that the deceased was 20 years old at the time of accident and he had completed his BBA and he was studying First Year MBA and was earning a sum of Rs.20,000/- by assisting in project works. According to



C.M.A.No.2700 of 2022

them, the deceased was a brilliant student and if he had completed his MBA, he would have earned a huge amount. Therefore, the respondents 1 and 2 made a claim before the Motor Accident Claims Tribunal in M.C.O.P.No.1226 of 2015, claiming a compensation of Rs.25,00,000/-.

4.Admitting the occurrence, it is the contention of the appellant Transport Corporation before the Tribunal that the deceased was travelling on footboard. It is their contention that, since the other vehicle bearing Registration No.TN-88-Z-6085, which is a School Van, suddenly applied brake, the accident had occurred. According to them, the entire accident was due to the driver of the School Van. The income of the deceased was also disputed. Though the 3rd respondent/School also contested the case before the Tribunal, the claim was made only as against the appellant Corporation.

5.Before the Tribunal, on the side of the claimants, P.W.1 and P.W.2 were examined and Exs.P1 to P18 were marked. On the side of the appellant Corporation, the driver of the Government Bus was examined as R.W.1 and no document was marked on their side.



C.M.A.No.2700 of 2022

6.The Tribunal, after appreciating the oral and documentary evidence on record, taking note of the age of the deceased, fixed the notional income of the deceased at Rs.16,000/- per month and taking note of the fact that the deceased was aged about 20 years at the time of accident, by applying the ratio laid down in *National Insurance Company Limited v. Pranay Sethi and others* reported in **2017 (2) TNMAC 609**, added 40% as future income and calculated the monthly income at Rs.22,400/-. Since the deceased was a bachelor, the Tribunal, after deducting 50% as per the dictum laid down in *Sarala Verma v. Delhi Transport Corporation* reported in **AIR 2009 SC 3104**, fixed the net monthly income of the deceased at Rs.11,200/-. Considering the age of the deceased, the Tribunal adopted the multiplier of 18 and thereby, arrived at the loss of income at Rs.24,19,200/-. The Tribunal also awarded the compensation under various other heads as follows :

<i>Head</i>	<i>Amount awarded by the Tribunal</i>
Loss of income	Rs.24,19,200/-
Loss of consortium (son)	Rs.40,000/-
Loss of love and affection	Rs.15,000/-
Funeral expenses	Rs.15,000/-
Enhancement @ 10% every three years	Rs.7,000/-
Total Compensation	Rs.24,96,200/-



C.M.A.No.2700 of 2022

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7. Accordingly, the Tribunal passed an Award dated 18.04.2022, fixing the total compensation at Rs.24,96,200/- payable to the claimants along with interest at the rate of 7.5% p.a. from the date of claim petition till the date of realisation.

8. Challenging the Award of the Tribunal, the State Transport Corporation has filed the present Appeal.

9. The main contention of the learned counsel for the appellant Corporation is that the negligence is attributable only as against the driver of the School Bus, who had suddenly applied brake, due to which, the accident had occurred. The other contention of the learned counsel is that the notional income of the deceased, fixed by the Tribunal, is also excessive and there is no evidence to prove the income of the deceased.

10. Heard the learned counsel on either side and perused the entire materials available on record.



C.M.A.No.2700 of 2022

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11.As far as the negligence aspect is concerned, the Tribunal has clearly taken note of the fact that, while entering into the Service Road, the driver of the appellant Corporation has dashed against the vehicle which was parked on the left side of the main road. The very manner in which the Government Bus dashed the School Van already parked on the left side of the road, clearly indicates that the driver of the appellant Corporation has driven the Bus in such a high speed, particularly while entering into the Service Road. This fact has been clearly spoken by P.W.2. That apart, the driver of the appellant Corporation (R.W.1) has already caused similar accident and his licence was suspended for some period. This fact has also been clearly established on record. The driver of a Public Bus, driving the vehicle casually in such a high speed, particularly, while entering into the Service Road, is deprecated and he ought to have been more careful. The very nature of the accident caused by the driver of the appellant itself clearly shows that R.W.1 was so negligent in driving the Government Bus. Therefore, the contention of the appellant in this regard cannot be countenanced.



C.M.A.No.2700 of 2022

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12.As far as the other contention of the learned counsel for the appellant that there is no evidence to show that the deceased was earning Rs.16,000/-, is concerned, it is relevant to note that the deceased was young, aged about 20 years, and was a First Year MBA Student. Unfortunately, he succumbed to the injuries due to the accident. Exs.P10 and P11 (College documents) clearly show that he was a bright student. If the deceased had completed his MBA, he would have certainly earned a quite reasonable salary of more than Rs.35,000/- per month. Therefore, in such circumstances, it cannot be said that, to fix the notional income, there must be concrete evidence. In fact, the Tribunal has fixed the notional income as Rs.16,000/- per month and applying the ratio laid down in ***National Insurance Company Limited v. Pranay Sethi and others*** reported in **2017 (2) TNMAC 609**, the Tribunal has also added 40% future prospects and fixed the monthly income as Rs.22,400/- and since the deceased was a bachelor, after deducting 50%, the Tribunal has arrived at the monthly income at Rs.11,200/- and accordingly, has awarded a total compensation of Rs.24,96,200/- after awarding compensation under other heads as stated *supra*. Considering the age and nature of the education of the deceased, the



C.M.A.No.2700 of 2022

compensation awarded by the Tribunal, according to us, is just and reasonable. Hence, we do not find any merit in this Appeal.

13.Accordingly, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(N.S.K., J.) (R.S.V., J.)
02.01.2026

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Internet : Yes
Index : Yes / No
Speaking Order / Nonspeaking order
Neutral Citation : Yes

To

- 1.The Motor Accident Claims Tribunal,
Additional District Court,
Namakkal.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation,
No.12, Ramakrishna Road,
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C.M.A.No.2700 of 2022

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mkn

C.M.A.No.2700 of 2022

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