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CMA No. 301 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 03-06-2026**

CORAM

**THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN**

**AND**

**THE HON'BLE MR.JUSTICE K.RAJASEKAR**

**CMA No. 301 of 2024**

**and**

**CMP No.3341 of 2024**

The Managing Director  
Tamil Nadu State Transport Corporation  
(Salem) Limited,  
No.12, Ramakrishna Road, Salem -7.

..Appellant

Vs

1. S.Ranganathan
2. R. Venkatasubramanian
3. R. Anjana

..Respondents

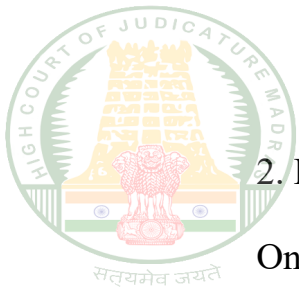
Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 seeking to set aside the judgment and decree passed in MCOP No.149 of 2019 passed by the Motor Accidents Claims Tribunal Additional District Court (FTC) Vellore on 22.06.2023.

For Appellant: Mr.D.Nitin  
For Respondents: Mr.M.Lokesh

### **JUDGMENT**

**(Judgment of the Court was delivered by C.V.Karthikeyan J.)**

The Transport Corporation, aggrieved against the award dated 22.06.2023 passed by the Motor Accidents Claims Tribunal Additional District Court (FTC) Vellore on in M.C.O.P.No.149 of 2019, has filed the present Civil Miscellaneous Appeal.

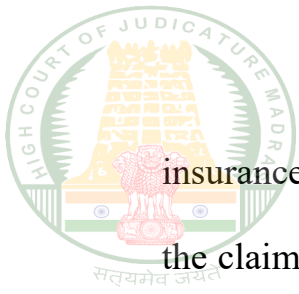


2. Facts of the case are as follows:-

On 23.12.2018 at about 2.15 am, the first respondent and his wife Soundaravalli were travelling in a bus bearing registration No.TN-29-N-2283 belonging to the Tamil Nadu State Transport Corporation (Salem) Limited in the Bangalore to Chennai National Highways. When the bus reached near Abdullapuram Co., Optex Godown, the driver of the bus drove the bus in a rash and negligent manner and dashed against the rear side of a stationed container lorry which was parked in the National Highways. In that accident, Soundaravalli had sustained severe injuries all over the body and died on the same day. Contending that the accident had taken place only due to the rash and negligence on the part of the driver of the TNSTC Bus, the petitioners, husband, son and daughter of the deceased had filed the claim petition seeking compensation. On completion of the trial, the Tribunal had awarded a total compensation of Rs.89,34,834/-. Challenging the same, the present Appeal has been filed by the Transport Corporation.

3. Heard the learned counsel for the parties and perused the materials available on record.

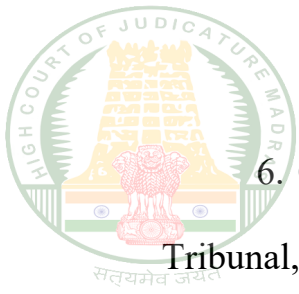
4. The crux of the contention of the appellant is that the accident had occurred not due to the negligence on the part of the driver of the appellant, but, only due to the negligence on the part of the driver of the container lorry bearing registration No.TN-20-BR-4363 in taking a sudden turn towards right side without giving any signal and the owner of the container lorry and his



insurance company being necessary parties for proper adjudication of the claim, the claim petition is bad for non-jointer of necessary parties and it is fatal to the

claim. It is further contended that the driver of the container lorry being the complainant, neither the driver of the container lorry nor the policy, who registered the complaint was examined before the Tribunal. It is also contended that PW2, a Block Educational Officer alone had been examined to speak about the income of the deceased and no Pay Drawing Officer had been examined in that regard in a way to inflate the income of the deceased and therefore, the compensation awarded is on the higher side.

5. With regard to negligence aspect, it is seen that PW1, husband of the deceased, who travelled alongwith her and also sustained injuries in the accident, had spoken about the manner in which the accident had occurred and had produced a copy of the FIR lodged against the driver of the bus. In fact, the said complaint had been lodged by the driver of the container lorry, against which vehicle, the TNSSTC bus had dashed on the rear side having lost control. The driver of the bus had not raised any complaint with the police to infer any negligence on the part of the driver of the lorry. Analysing those aspects, the Tribunal had arrived at a conclusion that the accident had occurred only due to the rash and negligence on the part of the driver of the TNSSTC bus and fixed the responsibility against the Transport Corporation. We do not find any infirmity with the said finding.

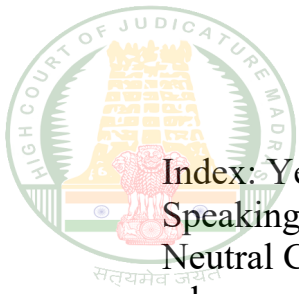


6. Coming to the question of quantum of compensation awarded by the Tribunal, it is seen that the deceased was working as B.T.Assistant, Vemballi ~ Soolagiri Block, Krishnagiri District and earning a sum of Rs. 1,06,000/- per month and in the year 2018, her gross salary was Rs.1,02,041/-. The above aspect has been spoken by PW2, the Block Educational Officer and she had produced Ex.P15, salary certificate and copy of the service register extract of the deceased. The Tribunal, after giving deduction towards income tax, had rightly arrived at a sum of Rs.10,44,644/- as annual income of the deceased and after giving an addition of 15% towards future prospects arrived at a sum of Rs.12,01,341/- and after deducting 1/3 towards personal expenses, arrived at a sum of Rs.8,00,894/- per annum as the contribution of the deceased to her family. The Tribunal has also adopted the proper multiplier of 11 and arrived at the total loss of dependency as Rs.88,09,834/-, which, in our view, does not warrant any interference.

7. Similarly, the award of compensation granted by the Tribunal under other heads appears to be appropriate and we are not inclined to interfere with the same.

8. In the result, the Civil Miscellaneous Appeal is dismissed confirming the award passed by the Tribunal. No costs. The connected miscellaneous petition is closed.

**(C.V.K.,J.) (K.R.S.,J.)**  
**03-06-2026**



Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

Motor Accidents Claims Tribunal

Additional District Court (FTC) Vellore



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**C.V.KARTHIKEYAN, J.  
AND  
K.RAJASEKAR, J.**

**ssk**

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