

C.M.A.No.3833 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on: 20.02.2026

Pronounced on: 29.04.2026

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THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No.3833 of 2025 and C.M.P. No.31949 of 2025

The Managing Director,
TNSTC (Salem),
No.12, Ramakrishna Road, Salem 7,
Regional Office, Dharmapuri District.

... Appellant

vs.

Lakshmi

... Respondent

Prayer: The Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicle Act 1988, against the Award dated 25.07.2024 passed in M.C.O.P. No.694 of 2020 on the file of the Motor Accident Claims Tribunal, Special District Court, Krishnagiri.

For Appellant : Mr. D. Nitin

For Respondent : No appearance



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JUDGMENT

This Civil Miscellaneous Appeal has been filed by the Appellant / Transport Corporation questioning the negligence and quantum of compensation awarded by the Tribunal in M.C.O.P. No. 694 of 2020 on the file of the Motor Accident Claims Tribunal, Special District Court, Krishnagiri.

2. For the sake of convenience, the parties are referred to as per their ranking in the claim petition.

3. According to the petitioner, on 10.07.2019, at about 11.20 hours, when the deceased Pasupathy was proceeding in his Bajaj Pulsar two wheeler bearing Registration No.TN-24-M-3334 on Kaveripattinam to Dharmapuri Road, near Palathottam Diversion Road at Malayandahalli, a TNSTC bus bearing Registration No.TN-29-N-2683 driven by its driver in a rash and negligent manner at a high speed, dashed against the motorcycle of the deceased, due to which the deceased sustained severe injuries all over his body. He was immediately taken to Government Hospital, Krishnagiri, for



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first aid and then shifted to Narayana Hiruthalaya Hospital, Bangalore, and

was given treatment there for about 10 days and then shifted to Government

Mohan Kumaramangalam Government Medical College & Hospital, Salem.

In spite of intensive treatment, he died on 24.07.2019.

4. The claimant, the mother of the deceased, filed a claim petition before the Claims Tribunal seeking compensation of Rs,70,00,000/- for the death of her son.

5. The claim was opposed by the appellant / Transport Corporation by stating that the deceased did not possess valid and effective driving license at the time of accident and that he did not also wear helmet. It was further stated that the accident had occurred due to the rash and negligent riding of the deceased and hence they are not liable to pay compensation to the petitioner.

6. The learned Tribunal, after hearing both sides and considering the evidence available on record, concluded that the accident occurred due to the rash and negligent driving of the driver of the Transport Corporation bus and awarded a sum of Rs.28,51,255/- to the respondent / petitioner and directed

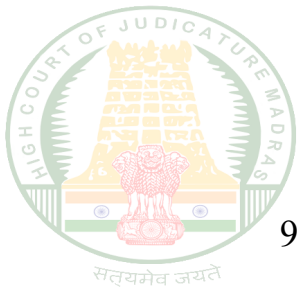


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the appellant / Transport Corporation to pay the said compensation together with 7.5% interest from the date of claim petition till the date of realisation.

7. Questioning the entire negligence fixed on the part of the driver of the bus and the quantum of compensation awarded by the tribunal, the appellant / Transport Corporation has filed the present Civil Miscellaneous Appeal.

8. Mr. D. Nitin, the learned counsel for the appellant/Transport Corporation would submit that the Tribunal erred in fixing the entire negligence on the part of the driver of the bus, relying on the witness of P.W.2, who is an interested witness. He further submitted that the Tribunal ought to have fastened 50% negligence on the deceased, since the accident occurred due to his rash and negligent riding. The deceased was a bachelor and the petitioner is the sole dependant on the deceased. However, the Tribunal had deducted 1/3 towards the personal expenses of the deceased while calculating loss of dependency, instead of 50%. Hence, prayed for setting aside the Award passed by the Tribunal.



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9. Despite notice, there is no representation on the side of the respondent.

10. Heard the submissions made by the counsel for the appellant.

11. The Tribunal has fixed the entire negligence on the part of the driver of the bus based on the evidence of P.W.2 eye witness, which is being challenged by the appellant herein. However, no contra evidence was let in on the side of the appellant to discredit the evidence of P.W.2. Hence the Tribunal has fixed the entire negligence on the part of the driver of bus, warrants any interference.

11.1. Since the deceased is a bachelor and the petitioner is the sole dependant on the deceased, deduction of 1/3 towards the personal expenses of the deceased by the Tribunal is incorrect and same should be taken as 50%.

Accordingly, loss of dependency is calculated as under:

Calculation

Notional Income = Rs.10,000/-

40% Future prospects = Rs.14,000/- (10000 + 4000)

After 1/2 deduction = Rs.7,000/-



Loss of dependency

= Rs.7,000/- x 12 x 18

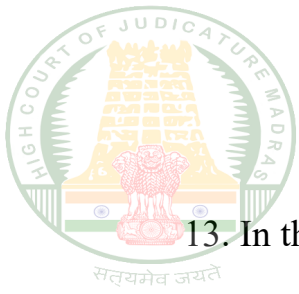
= Rs.15,12,000/-

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Under the other heads, the tribunal has awarded just compensation and the same is upheld.

12. The following tabular column would show the amount awarded by the Tribunal and the enhanced amount awarded by this Court under various heads.

S.No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Modifications
1.	Loss of dependency	20,16,000/-	15,12,000/-	reduced
2.	Loss of estate	16,500/-	16,500/-	confirmed
3.	Funeral Expenses	16,500/-	16,500/-	confirmed
4.	Loss of consortium	44,000/-	44,000/-	confirmed
5.	Medical Bills	7,58,255/-	7,58,255/-	confirmed
	Total	28,51,255/-	23,47,255/-	Reduced by 5,04,000/-



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13. In the result,

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i. The Civil Miscellaneous Appeal is partly allowed. No costs.

Consequently connected miscellaneous petition is closed.

ii. The compensation awarded by the Tribunal is reduced to 23,47,255/- from Rs.28,51,255/-.

iii. The appellant / Transport Corporation is directed to deposit the compensation amount as stated above (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit to the credit of in M.C.O.P. No.694 of 2020 on the file of the Motor Accident Claims Tribunal, Special District Court, Krishnagiri, within a period of four weeks from the date of receipt of a copy of this order/uploading of this order.

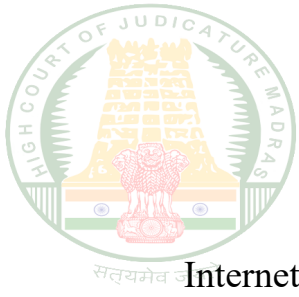
iv. The appellant / Transport Corporation is at liberty to withdraw the excess amount, deposited by them, over and above the compensation awarded by this court.

v. On such deposit being made, the respondent/claimant is at liberty to withdraw the same, after following due process of law.

29.04.2026

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To

1. The Special District Judge, Motor Accident Claims Tribunal, Krishnagiri

2. The Section Officer,

VR Section,

High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J.

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Pre-delivery judgment in

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