



WEB COPY

CMA No. 56 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CMA No. 56 of 2025

TNSTC Limited,
Rep.by its Managing Director,
(Villupuram District),
Regional Office, Vengikkal,
Tiruvannamalai.

..Appellant(s)

Vs

1. M.Devi
2. M.Pradeesh (Minor)
Minor Rep. by his mother and next friend
M.Devi
3. M.Kaviyasri (Minor)
Minor Rep. by her mother and next friend
M.Devi.
4. G.Saroja

..Respondent(s)

PRAYER : To Set aside the award dated 06-02-2024 passed in MCOP.No.1296/2021, on the file of Chief Judge, Court of Small Causes, Chennai.

For Appellant(s): Mr.S.S.Santhosa Kumar

For Respondent(s): M/s.Ramya V Rao For R1 To R4



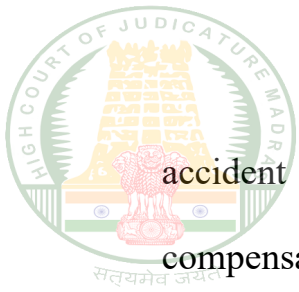
JUDGMENT

WEB COPY (Judgment of the Court was delivered by K.Rajasekar J.)

The Transport Corporation, aggrieved over the liability fixed in M.C.O.P.No.1296 of 2021, dated 06.02.2024, on the file of Chief Judge, Court of Small Causes, Chennai, has come forward with this appeal.

2. According to the appellant Corporation, on 05.03.2021 at about 13.30 hours, while the victim – G.Murugan was riding a motorcycle bearing Registration No.TN-03-3278 on the Bangalore to Chennai Road near Ponnerikarai, Kancheepuram, a bus belonging to the Corporation bearing Registration No.TN25-N-0543 running between Chennai and Arni reached Arcot road and at the cross-roads, the victim suddenly entered into the road from the side way and though the driver of the bus attempted to avoid the accident, the two wheeler hit the bus, due to which the victim fell down and sustained grievous head injuries and also other injuries all over his body. The victim was admitted to Chengalpattu Government Hospital, where he died during the course of treatment. Aggrieved over the death of the deceased, the claimants filed the claim petition before the Tribunal under Section 166 of the Motor Vehicles Act, claiming a compensation of Rs.45,00,000/-.

3. The Tribunal, after considering the evidence placed on record, accepted the case of the claimants that the driver of the bus was responsible for the



accident and held that the Transport Corporation was liable to pay a compensation of Rs.30,35,000/- along with interest.

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4. Aggrieved over the liability fixed on the Transport Corporation and also challenging the quantum of compensation, this appeal has been filed by the Corporation.

5. Learned counsel for the Transport Corporation would submit that the deceased was not wearing helmet at the time of accident and he suddenly entered into the National Highway without seeing the ongoing vehicles, which resulted in causing the accident and that the negligent act of the deceased was the reason for the accident. It is also contended that the deceased was not having a valid driving licence at the time of accident. Accordingly, he prayed that the Transport Corporation was not liable to pay compensation.

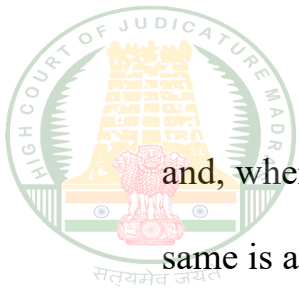
6. Per contra, learned counsel for the claimants submitted that witnesses, including an eye-witness, were examined as to the occurrence of accident and the place of occurrence was a National Highway and it had a cross-road allowing the commuters to cross the National Highway to reach both sides. When the deceased was carefully crossing the road, the bus, belonging to the Corporation, came with high speed and, unable to stop, hit the deceased. Hence, there was no negligence on the part of the deceased and the Tribunal had rightly fixed negligence on the driver of the bus. She further submitted that the quantum of compensation, more particularly, the notional income fixed by the Tribunal was on lower side and would pray for enhancement of the same. She



would also submit that the deceased in this case was a skilled labourer having a trade certificate entitling to do electrical works. Accordingly, she prayed to modify the monthly income fixed by the Tribunal.

7. We have considered the submissions made by both sides and also perused the records.

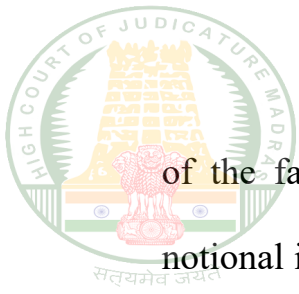
8. Having regard to the negligence for the accident, we have carefully considered the evidence of P.W.2, who was an eye-witness to the accident. According to him, the two wheeler almost crossed half of the National Highway and was about to cross the next half. He further deposed that though the place of accident was a cross-road, the bus, which was crossing the place, came with high speed and dashed against the two wheeler, which resulted in the accident. The Transport Corporation also examined the bus driver as R.W.1 and he deposed that the deceased suddenly entered into the Highway, due to which the accident occurred. It was also admitted by him that it was a place where the vehicles were crossing the Highway from one side to another. It is true that the claimants had not produced driving licence of the deceased before the Tribunal. However, non-possession of driving licence alone would not be sufficient to hold that the deceased also contributed to the negligence, unless there was a proof to show that he had driven the motorcycle in a negligent manner and the same resulted in the accident. As discussed earlier, the evidence of P.W.2 shows that the driver drove the bus at high speed and the same resulted in the accident. Further, there was no issue regarding non-wearing of helmet by the deceased



and, when that be so, this Court is not inclined to consider the said point, as the same is also not sustainable, as held by the Apex Court in para 7 in *M.Nithya vs. SBI General Insurance Company Ltd.*, 2025 Supreme (SC) 1508.

9. In a place where the vehicles are crossing the National Highway, it is expected that the ongoing vehicles on the National Highway shall slow down and commute across the roads with care and caution. In this case, the evidence of P.W.2 shows that the occurrence had taken place almost in the middle of the road, which shows that the deceased almost crossed the road. Apart from that, since the place of occurrence was a cross-road, the driver of the bus ought to have come with care and caution and more particularly he should have slowed down the bus. Hence, we are of the view that the evidence of P.W.2 is more probable than the evidence of the driver of the bus to show that the bus was driven with high speed and commuted near the cross-road highway junction, resulting in the accident. We agree with the Tribunal in fastening negligence on the driver of the bus.

10. As far as the quantum of compensation is concerned, the Tribunal fixed the notional income of the deceased at Rs.18,000/- per month and added 25% future prospects. We have carefully perused the documents produced in support of the income of the deceased. Though the claimants produced National Trade Certificate to show that the deceased was entitled to do electrical works and other services, admittedly, they have not produced any proof to show that the deceased was employed. By considering the same and also taking note



of the fact that the deceased was a skilled labourer, the Tribunal fixed the notional income at Rs.18,000/- per month. We are of the view that the same was reasonable and we are not inclined to interfere with the same. Similarly, the compensation awarded under other heads was also reasonable and we do not interfere with the same.

11. Civil Miscellaneous Appeal is, therefore, dismissed. No costs. Consequently, the connected C.M.P.No.363 of 2025 is closed.

(C.V.K.,J.) (K.R.S.,J.)
17-06-2026

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

DIXIT

To

- 1.Chief Judge,
Court of Small Causes,
Chennai.
- 2.V.R.Section,
High Court,
Madras.



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

DIXIT

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