



C.M.A.Nos.386 and 600 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2026

CORAM

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

C.M.A.Nos.386 and 600 of 2025

&

C.M.P.No.4718 of 2025

C.M.A.No.386 of 2025

Bharathi

... Appellant

VS

The Managing Director
Tamil Nadu State Transport Corporation Ltd.,
31/37, Salavedu, Villupuram -605 602

... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 challenging the order dated 14.02.2024 made in M.C.O.P.No.729 of 2022 on the file of MACT Tribunal, Special District Court, Krishnagiri.

For Appellant : Mr.S.P.Yuaraj

For Respondent : Mr.T.Chandrasekaran
(TNSTC)



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C.M.A.No.600 of 2025

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The Managing Director
Tamil Nadu State Transport Corporation Ltd.,
31/37, Salavedu, Villupuram -605 602

... Appellant

VS

Bharathi

... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 challenging the order dated 14.02.2024 made in M.C.O.P.No.729 of 2022 on the file of MACT, Special District Court, Krishnagiri.

For Appellant : Mr.T.Chandrasekaran
(TNSTC)

For Respondent : Mr.S.P.Yuaraj

COMMON JUDGMENT

[Judgment of the Court was delivered by **K.RAJASEKAR, J**]

C.M.A.No.386 of 2025 has been filed by the claimant seeking enhancement of compensation awarded for the death of brother of the claimant. C.M.A.No.600 of 2025 has been filed by the Transport Corporation challenging the liability fixed on them for paying the compensation to the dependent of the deceased Gunasekaran and the



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quantum of compensation. Since both appeals are arising out of the award passed in M.C.O.P.No.729 of 2022 dated 14.02.2024, both the appeals were heard together and are being disposed of by this common judgment.

2. For the sake of convenience, the parties are referred to, as per their litigative status before the trial Court.

3. The claimant herein is the sister of deceased Gunasekaran. It is stated that on 05.04.2022 at about 21.00 hours, when the deceased was walking on the left side of the Krishnagiri to Thiruvannamalai National Highway, near Chennammal Nursery Garden, a Transport Corporation bus bearing Registration No.TN25-N-0595 driven by its driver from west to east in a rash and negligent manner, lost its control and suddenly hit against the deceased, due to which he sustained head injury and died instantaneously.

4. In this regard, the Village Administrative Officer has lodged a complaint and a case in Crime No.124 of 2022 for the offences under Sections 279 and 304(A) of IPC has been registered against the bus driver.



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The claimant has come forward with the claim petition seeking compensation of Rs.2,00,00,000/- by invoking Section 166 of Motor Vehicles Act, 1988.

5. The Transport Corporation contested the claim on the ground that the driver of the bus has driven the bus by observing traffic rules, but the deceased (pedestrian) crossed the road without seeing the bus which resulted in the accident. It is also stated that though the criminal case was registered against the driver of the bus, subsequently, he was acquitted from the charges and hence, the Transport Corporation is not liable to pay the compensation. They also questioned the quantum of compensation granted under other heads.

6. Before the Tribunal, on the side of the claimants, three witnesses were examined as PWs 1 to 3 and Exs.P1 to P22 were marked. On the side of the respondent Transport Corporation, driver of the bus was examined as RW1 and the judgment in C.C.No.101 of 2022 passed by the Judicial Magistrate Chengam, Tiruvannamalai District was marked as Ex.R1.



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7. The Tribunal, after considering the oral and documentary evidence, accepted the case of the claimant and held that the driver of the bus is responsible for the accident and hence, the Transport Corporation is liable to pay the compensation. The Tribunal has also quantified the compensation at Rs.36,67,688/-. Aggrieved over the liability and quantum fixed, the Transport Corporation has filed C.M.A.No.600 of 2025. The claimant has filed C.M.A.No.386 of 2025 seeking enhancement of compensation.

8. The learned counsel for the claimant submitted that the deceased in this case was working as Rural Welfare Officer – I at Block Development office, Tiruvannamalai and was earning a sum of Rs.40,000/- per month. Learned counsel submitted though one Mr.Kumaran, working as Assistant at Block Development Office has been examined as PW3 to prove the income of the deceased, the Tribunal instead of granting compensation based on the gross income, made unnecessary deductions towards the statutory deductions made from the income. Hence, prays to enhance the compensation amount.



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9. Per contra, the learned counsel for the Transport Corporation stated that in this case, the claimant is the sister of the deceased and she is not a dependent and the compensation awarded is also on the higher side. He further submitted that the liability to pay the compensation fixed on the Transport Corporation is not sustainable since the deceased in this case has suddenly crossed the road and contributed to the accident.

10. We have considered the submissions made on both sides and also perused the records.

11. On the side of the claimant, PW2, who is an eye-witness to the occurrence was examined and he has stated that the driver of the bus came at a high speed and suddenly lost control and hit the deceased, which resulted in the accident causing severe injuries and death of the deceased. To disprove the evidence of PW2, the respondent Transport Corporation has examined the driver of the bus as RW1. RW1 has stated that the pedestrian viz., the deceased, has suddenly crossed the road and though the driver has tried to stop the bus, before the bus came to halt, hit the deceased and caused severe injuries. However, the Tribunal after appreciating the evidences of PW2 and RW1, has accepted the case of the claimant on the ground that



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there is *prima facie* material to corroborate the evidence of PW2 based on the First Information Report registered against RW1, the driver of the bus.

Apart from that, though the driver of the bus is said to have been acquitted, the same is based on evidences produced therein. However, the Tribunal has held that evidence adduced by PW2 is more probable since the occurrence place is a busy area, the accident had taken place only because of the driver of the bus, who has driven the bus at a high speed.

12. We are of the view that since the Tribunal has given cogent reasons and accepted the evidence of PW2 and considering the fact that immediately after the accident, the criminal case has been registered against the driver of the bus, we are not inclined to deviate from the said finding as the finding of the Tribunal is based on appreciation of evidence and same is probable. Hence, the contention of the Transport Corporation in C.M.A.No.600 of 2025 is liable to be dismissed.

13. As far as the quantum of compensation is concerned, admittedly, the deceased was working as Rural Welfare Officer-I at Block Development Office, Tiruvannamalai and his gross salary was Rs.29,203/- and 10% of the salary would have been deducted towards CPS and other expenses. These



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deductions are made only from the gross income. These deductions like contribution to pension is refundable to him after his retirement. We are of the view that deductions made is necessary and accordingly, the monthly income fixed by the Tribunal at Rs.24,935/- is justifiable. Hence, a sum of Rs.35, 90, 688/- awarded by the Tribunal towards Loss of Dependency is confirmed.

14. As far as the dependency of the claimant is concerned, admittedly, both claimant and her deceased brother are not having parents and they predeceased. Though the sister claimant is married, she has given evidence that her brother was regularly supporting her and he used to share his income with her. Apart from her, there is no other family members and the deceased is also unmarried. This naturally leads to the conclusion that both brother and sister are dependent on each other and share their love and affection. Further, since no other legal heirs of the deceased is available, entire estate of the deceased is to be devolved on the sister. Under such circumstances, unless there is contra evidence to show that she is not having cordial relationship with the deceased, it cannot be held as she is not dependent on the deceased. Hence, we are of the view that the Tribunal has rightly held



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that the sister claimant herein is a dependent. Hence, a sum of Rs.44,000/- awarded towards loss of consortium is reasonable. The compensation of Rs.16,500/- each awarded towards funeral expenses and Loss of Estate are confirmed.

Accordingly, both the appeals are dismissed confirming the order dated 14.02.2024 in M.C.O.P.No.729 of 2022 passed by the Motor Accident Claims Tribunal (Special District Judge) at Krishnagiri. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

[C.V.K., J] [K.R.S., J]
15.04.2026

Index: Yes

Neutral citation: Yes

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To

1. The Motor Accident Claims Tribunal
Special District Court, Krishnagiri.
2. The Section Officer
VR Section
Madras High Court



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