



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.02.2026

CORAM

THE HONOURABLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A. No.243 of 2026
and C.M.P. No.2971 of 2026

The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Bharathipuram, Dharmapuri,
Tamil Nadu (dt) 636 705

...Appellant

.VS.

1. Maviti Uttappa
2. Bagyamma
3. Sridevi

...Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, against the award dated 05.06.2025 made in M.C.O.P.No.155 of 2023 on the file of the Motor Accident Claims Tribunal, Additional District Court Hosur.

For Appellant : Mr. Nitin D

For Respondents : Mr. C. Prabakaran



JUDGMENT

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This Civil Miscellaneous Appeal is preferred by the Transport Corporation aggrieved by the award in M.C.O.P.No.155 of 2023 dated 05.06.2023 on the file of the Motor Accident Claims Tribunal, Additional District Court, Hosur, challenging the award of Rs.19,85,400/- as compensation and the percentage of contributory negligence, for the death of one Arunachalam.

2. The respondents as claimants, filed the above claim petition on the ground that on 13.02.2023, at about 4.30 p.m while the deceased was riding a two wheeler bearing Reg. No. AP 39 RJ 3775 along with Vijayakumar as pillion on the left side of Hosur to Thally Road, near Madhagondapalli Govt. High School, the driver of TNSTC bus bearing Route No. 19B, Reg. No. TN 29 N 2450 came from the opposite side in a rash and negligent manner, without obeying the rules of the road and without honking dashed against the deceased vehicle causing the deceased to die on the spot. The claimants as legal heirs of the deceased Arunachalam, have preferred the claim petition, claiming a sum of Rs.60,00,000/- as compensation.

3. The appellant/ Corporation resisted the claim on the ground that the



Govt. Bus (TN 29 N 2450) at 4.10 PM was driven from Thally towards Hosur, when the bus was near Mathagondapalli, the two wheeler rider overtaking a vehicle came in a rash and negligent manner due to which the bus driver stopped the bus on the left side of the mud road, yet the motorcycle hit the front right side of the bus and caused the accident, wherein a case was also registered against the motorcycle rider which was abated as he died. The two wheeler rider was not having valid driving license. Therefore, the alleged accident occurred due to the negligent act of the deceased. Hence, the appellant/ Corporation is not liable to pay any compensation to the claimants. Hence, prayed for dismissal of the petition.

4. The Tribunal, based on the materials on record concluded that the alleged accident took place due to the negligent act of the driver of the bus and awarded a sum of Rs.19,85,400/- as compensation to the claimants fastening 90% negligence on the driver of the Corporation bus and 10% on part of the deceased motorcycle rider. Aggrieved by this, the present appeal is preferred.

5. The appeal is challenged on two grounds namely negligence and amount awarded towards loss of dependency. According to the appellant/ Corporation the alleged accident was not entirely due to the negligence of the driver of the Corporation bus. The rider of the motor cycle did not possess any



driving licence and was riding the bike in a rash and negligent manner due to which the accident occurred. The tribunal ought to have imposed 50% towards contributory negligence instead of 10%. It is further contended that the compensation awarded by the Tribunal towards loss of dependency and consortium is excessive and without considering the degree of negligence involved, thus making the award unsustainable and ought to be set aside.

6. On the other hand, the learned counsel appearing for the respondents/claimants would submit that the alleged accident had occurred only due to the negligent act of the driver of the Corporation bus which was driven in a rash and negligent manner without obeying rules of the road and without honking. The Tribunal has rightly held that the bus driver was negligent and caused the accident. Hence, the compensation awarded by the Tribunal is just and reasonable which warrants any interference by this Court.

7. Heard on both sides and records perused.

8. From the materials on record, it is seen that the motor bike of the deceased dashed against the Corporation bus after over taking in a rash and negligent manner when the bus was stopped on the left side of mud road. The evidence of eyewitness support the case of the claimants. No doubt, accident



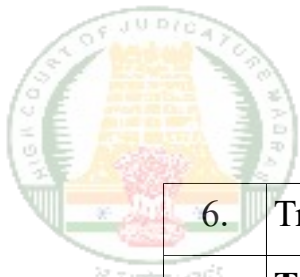
could have been averted, if the deceased rode the bike with due care and caution.

But, there was no conclusive evidence that bus was driven by obeying all traffic rules. In such circumstances, Tribunal has rightly held that the driver of the bus was negligent and was responsible for the accident. However, in view of the fact that the claimants failed to establish that the deceased had a valid driving licence at the time of the accident, this Court deems it fit to fix 15% contributory negligence on part of the deceased two wheeler rider.

9. Since the age of the deceased at the time of accident was 31, the proper multiplier would be 16 and future prospects should be taken at 40% and $\frac{1}{2}$ is deducted for personal expenses. $(15,000 \times 12 \times 40\% \times 16 \times \frac{1}{2})$ Further the award under the head of Pain and suffering is Reduced.

10. Accordingly, the amounts awarded by this Court under the different heads are detailed hereunder:

S.No.	Head	Amount granted by this court (Rs.)	Amount enhanced/ reduced/granted
1.	Loss of Income	20,16,000/-	Confirmed
2.	Parental Consortium	80,000/-	Confirmed
3.	Siblings Consortium	40,000/-	Confirmed
4.	Loss of Estate	15,000/-	Confirmed
5.	Funeral Expenses	15,000/-	Confirmed



6.	Transportation Expenses	10,000/-	Confirmed
	Total	21,76,000/-	
	Contributory Negligence	15%	
	Compensation awarded	18,49,600/-	Reduced by Rs.1,35,800/-

This amount shall carry interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit.

11. In the result,

- 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 from Rs.19,85,400/- to Rs. 18,49,600/-.
- iii. The appellant/ Transport Corporation, is directed to deposit the compensation amount i.e., Rs. 18,49,600/- 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 M.C.O.P. No.155 of 2023 on the file of the Motor Accident Claims Tribunal, Additional District Court Hosur, within a period of four weeks from the date of receipt of a copy of this order. The appellant/Transport Corporation is at liberty to withdraw the extra amount, deposited by them, over and above the compensation awarded by



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this Court. The ratio of apportionment made by the Tribunal shall be kept intact.

iv. On such deposit being made, the claimants are at liberty to withdraw their share as per the apportionment made by the Tribunal after filing a proper petition for withdrawal.

10.02.2026

Index : Yes
Speaking Order
Neutral citation : Yes
vsn

To:

1. Motor Accident Claims Tribunal,
Additional District Court, Hosur.
2. The Section Officer,
V.R.Section, High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J.

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