

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2026

CORAM:

**THE HON'BLE MR JUSTICE N.ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

**C.M.A(MD)No. 685 of 2026
and
CMP.(MD).No. 7125 of 2026**

The Branch Manager,
The Tamil Nadu State Transport Corporation Limited,
Bye Pass Road,
Madurai.

... Appellant

Vs.

1.Krishnabhoomi

2.Minor.Rukesh

3.Minor.Rosika

4.Mayakkal

... Respondents

(Respondent Nos.2 and 3 represented by their mother / natural guardian / the first respondent herein)

PRAYER:- Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1973, to set aside the order passed by the Motor Accident Claims Tribunal / Special District Court, Madurai in M.C.O.P.No.534 of 2023 dated 04.02.2025.

For Appellant : Mr.P.F.Ferlin Castro



For R-1 to R-4

: Mr.R.Gowri Shankar

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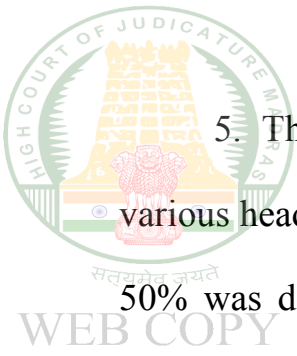
**(Judgment of the Court was delivered by
N.ANAND VENKATESH, J.)**

This appeal has been filed by the Transport Corporation aggrieved by the award passed by the Motor Accident Claims Tribunal / Special District Court, Madurai in MCOP.No.534 of 2023 dated 04.02.2025.

2. Heard the learned counsel on either side.

3. The first respondent is the wife, the second and third respondents are the children and the fourth respondent is the mother of the deceased Kumar. On 30.01.2023, the deceased was riding a two-wheeler at Solavandhan-Sekaoorani road and at about 09.20 a.m., the bus belonging to the Transport Corporation is said to have driven in a rash and negligent manner and it hit the two-wheeler on the rear side, as a result of which, the deceased died on the spot.

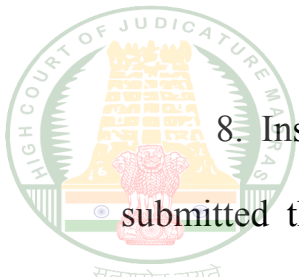
4. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the deceased had contributed to the accident, since he had suddenly brought the vehicle to a halt and was attempting to turn the vehicle without noticing the bus that was coming very near to the vehicle. Accordingly, the Tribunal fixed 50% towards contributory negligence on the part of the deceased.



5. The Tribunal, thereafter, proceeded to determine the compensation under various heads and arrived at a total compensation of Rs.60,91,800/- and out of the same, 50% was deducted and the balance compensation of Rs.30,45,900/- was awarded in favour of the claimants. The said compensation amount was directed to be paid with interest at the rate of 7.5% per annum.

6. Aggrieved by the above award passed by the Tribunal, The Transport Corporation has filed the present appeal questioning both on the ground of negligence as well the quantum of compensation fixed by the Tribunal.

7. The main ground that was urged by the learned counsel appearing for the appellant is that the two-wheeler was driven by the deceased from North to South direction and the deceased attempted to take a left turn, as a result of which, he lost the control and dashed on the bus belonging to the appellant Corporation. Hence, this accident would not have taken place, if not for the negligence on the part of the deceased and therefore, no negligence can be attributed as against the driver of the bus. On the alternative, the learned counsel submitted that even if some element of negligence is attributed to the driver of the bus, the contributory negligence of the deceased will have to be increased.

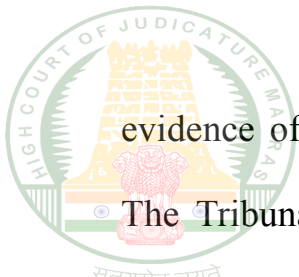


8. Insofar as the quantum of compensation is concerned, the learned counsel submitted that the Tribunal went wrong in fixing an exorbitant monthly income of Rs.31,200/- and consequently, excessive compensation has been granted under the head of loss of income.

9. Per contra, the learned counsel appearing on behalf of the claimants submitted that the Tribunal has properly appreciated the evidence and determined the contributory negligence at 50% which does not require the interference of this Court. The learned counsel further submitted that the deceased was doing centering work and based on the documentary evidence produced before the Tribunal, the Tribunal has rightly determined the daily earnings of the deceased at Rs.1200/-. The learned counsel submitted that the deceased had left behind his wife, two children and the mother and considering the same, the Tribunal had rightly fixed the quantum of compensation which does not require the interference of this Court.

10. This Court carefully considered the submissions made on either side and the materials available on record. This Court also carefully went through the award passed by the Tribunal.

11. The first issue that has been raised in the appeal touches upon the negligence aspect. The Tribunal while deciding this issue had taken into consideration the



evidence of P.W.2 and D.W.1 and also the documentary evidence that was available.

The Tribunal found that the deceased had all of a sudden tried to turn the vehicle without noticing the bus and as a result, the deceased had also contributed for the accident. While deciding the percentage of contributory negligence, the Tribunal has taken into consideration the distance between the bus and the two-wheeler and the speed at which the bus was operated at the relevant point of time. Accordingly, the Tribunal fixed 50% as contributory negligence attributable to the deceased.

12. The above finding rendered by the Tribunal upon an appreciation of evidence and this finding does not suffer from any perversity warranting the interference of this Court. The negligence aspect on the side of the appellant is answered accordingly.

13. This Court will now deal with the quantum of compensation that was fixed by the Tribunal. The main ground of attack is on the compensation fixed under the head of loss of income. The learned counsel for the appellant submitted that the sum of Rs.31,200/- fixed by the Tribunal towards the monthly income is excessive. We have gone through the materials placed before the Court and it is seen that the deceased is said to be doing centering work. The Tribunal had taken into consideration Ex.P5 and also the fact that the accident had taken place in the year 2023. Accordingly, the Tribunal has fixed the daily income at Rs.1200/- and calculated the total monthly income at Rs.31,200/-.



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14. In our considered view, the Tribunal had taken into consideration the evidence of P.W.2 and also Ex.P.5 while arriving at the monthly income of the deceased. We find that the said fixation is a bit excessive, however, we are inclined to slightly modify the monthly income and round it off to Rs.30,000/- per month.

15. The learned counsel for the appellant submitted that the fourth respondent, who is the mother is not a dependant and no material is available to establish that she was depending on the deceased. It must be kept in mind that the fourth respondent is the mother of the deceased and she is a senior citizen and it goes without saying that she obviously will be a dependant on her son. Therefore, the deduction made by the Tribunal is perfectly in order.

16. The compensation that has been fixed under the other heads is just and proper and it does not require the interference of this Court.

17. In the light of the above discussion, the compensation under the head of loss of income is calculated as follows:

Monthly income	Rs.30,000/-
Add 40% towards future prospects	Rs.12,000/-
Total	Rs.42,000/-
¼ deduction (Rs.42,000*1/4) towards personal expenses	Rs.10,500/-
-(balance)	Rs.31,500/-
Loss of Income (31,500*12*15)	Rs.56,70,000/-



18. The compensation that has been fixed under the other heads are ~~sustained~~.

Thus, the total compensation is modified to **Rs.29,32,500/-** in the following manner:

Heads	Amount
Loss of Income	Rs.56,70,000/-
Spousal consortium to the wife of the deceased	Rs.40,000/-
Parental consortium to the children of the deceased (each)	Rs.80,000/-
Filial consortium to the mother of the deceased	Rs.40,000/-
Transport Charges	Rs.5,000/-
Funeral Expenses	Rs.15,000/-
Loss of Estate	Rs.15,000/-
Total	Rs.58,65,000/-
50% deducted towards total compensation (Rs.58,65,000/2)	Rs.29,32,500/-

19. The above compensation amount shall be paid with interest at the rate of 7.5% interest per annum. The entire compensation amount along with the accrued interest shall be deposited by the appellant / Insurance Company within a period of eight weeks from the date of receipt of a copy of this order. The first claimant will be entitled to withdraw a sum of Rs.14,32,500/-. The second and third claimants are entitled to a sum of Rs.7,00,000/- each and the fourth claimant is entitled to a sum of Rs.1,00,000/-. The share of the minor second and third claimants shall be deposited in any one of the Nationalized Banks till they attain majority. The first claimant, who is the mother of the minor second and third claimants, is permitted to withdraw the interest of minor once in



three months directly from the Bank.

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20. In the result, the Civil Miscellaneous Appeal is allowed in part to the extent indicated above. No costs. Consequently connected Miscellaneous Petition is closed.

[N.A.V., J.]

[K.K.R.K., J.]

16.06.2026

NCC :Yes/No

Index :Yes/No

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To

1.The Motor Accident Claims Tribunal / Special District Court, Madurai.

2.The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court, Madurai.



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N. ANAND VENKATESH, J.
AND
K.K.RAMAKRISHNAN, J.

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C.M.A(MD)No.685 of 2026

16.06.2026