



C.M.A. (MD) No. 1232 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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Reserved on : 21.04.2026

Pronounced on : 24.06.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.M.A.(MD)No.1232 of 2022
and
C.M.P.(MD)No.12626 of 2022

The General Manager,
Tamil Nadu State Transport Corporation,
Trichy.

... Appellant/
Respondent

Vs.

P.Alagan (Died)

1.Panchu

2.Ambikha

3.Saranya

4.Pothum Ponnu

5.Anushiya

6.Mala

7.Minor Senthil Murugan



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8. Minor Sundar

(The respondents 7 and 8 are minors represented by their mother and natural guardian Panchu)

9. T. Suganya

(9th respondent is impleaded as per the order of this Court dated 29.08.2024 made in CMP(MD) No. 10797 of 2024 in CMA(MD) No. 1232 of 2022)

... Respondents

Prayer : This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, to allow this appeal, set aside the award and decree made in M.C.O.P.No.293 of 2017 dated 23.12.2021 on the file of the Motor Accident Claims Tribunal / Special District Court, Madurai.

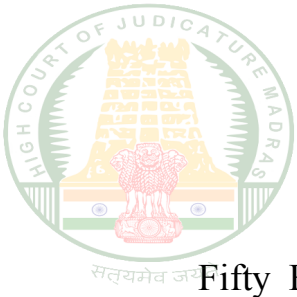
For Appellant : Mr.P.Prabhakaran

For Respondents : Mr.K.Kumaravel

JUDGMENT

The Civil Miscellaneous Appeal is directed against the award made in M.C.O.P.No.293 of 2017 dated 23.12.2021 on the file of the Motor Accident Claims Tribunal / Special District Court to deal with MCOP cases, Madurai.

2. The appellant / Transport Corporation, who was mulcted with liability to pay compensation of Rs.8,55,000/- (Rupees Eight Lakhs and



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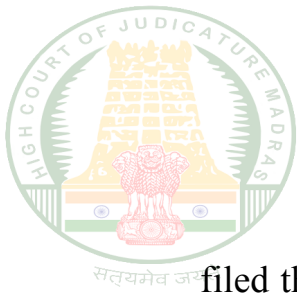
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Fifty Five Thousand only) with interest at 7.5% per annum and costs payable to the respondents 1 to 8 / claimants, for the death of Alagan, consequent to an accident occurred on 06.05.2010, challenged the liability mulcted on it and also the quantum of compensation awarded at, by the Tribunal.

3. For the sake of convenience and brevity, the parties hereinafter will be referred to as per their status / ranking in the Tribunal.

4. Though the Transport Corporation, in the memorandum of appeal grounds, has taken a ground that they are challenging finding of the Tribunal fixing the entire negligence on the bus driver and mulcting the entire liability on the Transport Corporation, the learned counsel appearing for the Transport Corporation would submit that they are only challenging the conversion of injury claim petition into a death claim petition and the quantum of compensation awarded at, by the Tribunal and that they are not disputing the finding with regard to the negligence aspects.

5. It is evident from the records that the injured Alagan originally



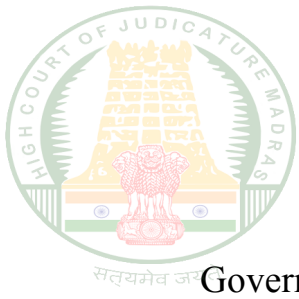
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filed the claim petition and during pendency of the claim petition, he died and hence, his legal heirs got themselves impleaded and prosecuted the petition for death claim. During the pendency of this appeal, the 9th respondent, one of the legal heir of the said Alagan, was impleaded.

6. It is pertinent to note that the Tribunal cannot mechanically convert injury claim petition into a death claim petition, just because the injured subsequently died during the pendency of the claim petition. It is settled law that the burden is only on the claimants to prove that the death occurred due to the injuries sustained in the accident.

7. The claimants have produced only a notebook issued by the Government Hospital, wherein, it has been noted that the injured was referred to the Neurological ward and was prescribed some medicines. Except the said notebook under Ex.P2 (which has been wrongly described in the index as Postmortem report - age alteration report), the claimants have not produced any iota of medical evidence to show the nature of the injuries sustained by the deceased or their effect. Though the claimants summoned and examined a staff attached to the Record Section of the

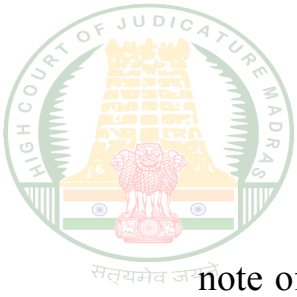


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Government Hospital as P.W.3 and he merely deposed that as per the circular applicable to them, the medical records pertaining to year 2010 had been already destroyed on 16.02.2018. The claimants have not produced any discharge summary, treatment records or any other medical documents to show the nature of the injuries sustained. More importantly, the claimants have not chosen to examine any medical officer to prove the nexus between the accident injuries and the subsequent death. As already pointed out, they have only examined the Government Hospital staff, who deposed about the destruction of the original records in accordance with the Government orders and that by itself, cannot relieve the claimants of their burden to prove the causal connection between the accident injuries and the death. In the absence of any acceptable medical evidence, it is clear that there is absolutely no material available to prove that the death was the direct consequence of the injuries sustained in the accident.

8. The Tribunal, by observing that the Transport Corporation had neither filed any objection or counter statement to the amendment petition filed by the claimants consequent to their impleadment nor filed any additional counter statement to the amended claim petition, and by taking

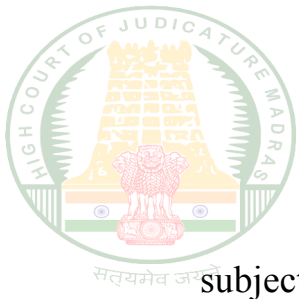


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note of the injuries allegedly sustained on the head, knee and chest, came to the conclusion that there was every possibility of the deceased having died on account of the injuries sustained in the accident. As rightly contended by the learned counsel appearing for the Transport Corporation, the Tribunal, solely on the ground that no objection or counter statement had been filed to the amendment petition and no additional counter statement had been filed to the amended claim petition, proceeded to treat the injury claim petition as a death claim petition and such an approach is legally unsustainable.

9. It is well settled that the absence of additional pleadings cannot take the place of proof, and even in claim matters, the foundational facts regarding the cause of death must be proved through acceptable evidence. In the absence of medical evidence proving that the deceased died on account of the injuries sustained in the accident, the claimants cannot be held entitled to compensation under the head of loss of dependency or other death related heads, but at the same time, the legal representatives would be entitled to prosecute the claim relating to the injuries suffered by the deceased including medical expenses and other permissible heads



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subject to proof. In the present case, except the averments made in the claim petition and the oral testimony of the deceased's wife, there is absolutely no documentary or medical evidence regarding the nature of the injuries sustained, the treatment undergone, or the disability, if any, suffered by the deceased.

10. In the claim petition, the said Alagan has stated that he was admitted in Government Rajaji Hospital, Madurai and was given inpatient treatment from 06.05.2010 to 10.05.2010.

11. The Tribunal, considering the evidence available on record, has fixed the age of the deceased as 47 years at the time of accident. According to the claimants, the deceased was doing stone breaking work in a quarry and was getting Rs.300/- per day. In the absence of any evidence to prove the income, the Tribunal fixed the monthly income at Rs.5,000/-.

12. Considering the nature of the injuries shown, the period of treatment and other attending circumstances, this Court is inclined to



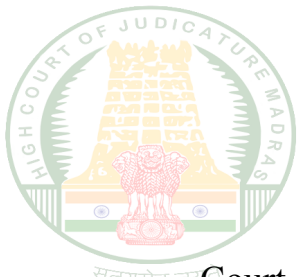
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award lumpsum compensation of Rs.50,000/- for the grievous injuries suffered, Rs.25,000/- for transportation charges, Rs.25,000/- for extra nourishment, Rs.30,000/- for attender charges, Rs.50,000/- for pain and sufferings, Rs.30,000/- for loss of income and Rs.5,000/- for damages to clothes and articles. Considering the above, the claimants are entitled to get total compensation of Rs.2,15,000/- (Rupees Two Lakhs and Fifteen Thousand only). Accordingly, the compensation awarded by the Tribunal is modified as follows:-

S. No.	Description	Amount awarded by this Court (Rs.)
1.	Injury compensation	50,000
2.	Transportation charges	25,000
3.	Extra nourishment	25,000
4.	Attender charges	30000
5.	Pain and sufferings	50,000
6.	Loss of income	30,000
7.	Damages to clothes and other valuables	5,000
	Total	2,15,000

13. Considering the other facts and circumstances of the case, this

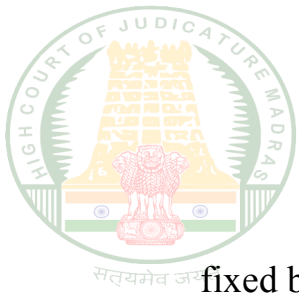


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costs.

Court further decides that the parties are to be directed to bear their own costs.

14. In the result, this Civil Miscellaneous Appeal is allowed and the compensation awarded by the Tribunal at Rs.8,55,000/- (Rupees Eight Lakhs and Fifty Five Thousand only) is hereby reduced to **Rs.2,15,000/- (Rupees Two Lakhs and Fifteen Thousand only)** together with interest at 7.5% per annum and costs. The appellant is directed to deposit the modified award amount with interest and costs from the date of petition till the date of realization excluding the default period, if any, to the credit of M.C.O.P.No.293 of 2017 on the file of the Motor Accident Claims Tribunal / Special District Court to deal with MCOP cases, Madurai, after deducting the amount already deposited if any, within a period of four weeks from the date of receipt of a copy of this judgment. Out of the compensation amount, the first respondent is entitled to get **Rs.60,000/- (Rupees Sixty Thousand only)** and the respondents 2 to 9 are entitled to get **Rs.19,375/- (Rupees Nineteen Thousand Three Hundred and Seventy Five only) each**. On such deposit being made, The respondents 1 to 6 and 9 are permitted to withdraw their shares as per apportionment



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fixed by this Court along with interest and costs and the share of the minor respondents 7 and 8 shall be deposited in any one of the Nationalised Banks till they attain majority. The first respondent, who is the mother of the minor respondents 7 and 8, is permitted to withdraw the interest of minors once in three months directly from the Bank. If the amount was already deposited, the balance amount shall be withdrawn by the appellant. Consequently, connected Miscellaneous Petition is closed. Parties are directed to bear their own costs.

24.06.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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To:

1. The Special District Judge,
Motor Accident Claims Tribunal,
Madurai.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

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Pre-Delivery Judgment made in
C.M.A.(MD)No.1232 of 2022
and
C.M.P.(MD)No.12626 of 2022

Dated : 24.06.2026