



C.M.A(MD)No.1 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2026

CORAM:

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

C.M.A(MD)No.1 of 2026

and

C.M.P(MD)No.9 of 2026

The Regional Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
(Dindigul Zone), District Collectorate Post,
Bye-Pass Road,
Dindigul Town,
Dindigul District.

... Appellant/1st Respondent

-VS-

1.Sudha
2.Minor Surya
3.Minor.Sharma
4.Anbumani
5.Palanivel
6.The Branch Manager,
The United India Insurance Company Limited,
S.N.S.Complex First Floor,
Cumbum Road, Varadharajan Nagar,
Periyakulam Taluk,
Theni District.

... Respondents 1 to 4/ Petitioners

... Respondents 5 & 6/
Respondents 2 & 3



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PRAYER: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, 1988, to set aside the award dated 28.01.2025 made in M.C.O.P.No.289 of 2023, on the file of the Motor Accident Claims Tribunal, Additional District and Sessions Court, Periyakulam.

For Appellant : Mr.S.Micheal Heldon Kumar

For R1 to R4 : Mr.V.Sakthi

For R – 6 : Mr.AS.Mathialagan

JUDGMENT

**(Judgment of the Court was delivered by
G.K.ILANTHIRAIYAN, J.)**

This Civil Miscellaneous Appeal has been preferred as against the award passed in M.C.O.P.No.289 of 2023, dated 28.01.2025 on the file of the Motor Accident Claims Tribunal, Additional District and Sessions Court, Periyakulam.

2.The claimants, viz., respondents 1 to 4 filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 claiming compensation of Rs.1,06,65,000/- on the ground that on 29.06.2023



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when the deceased and the first claimant were returning from Madurai to Periyakulam in a car bearing registration No.TN-60-AF-1315 at about 3.30 p.m., proceeding from Madurai to Dindigul in a Four Track National Highway, the fifth respondent herein drove his bus owned by the appellant herein bearing registration No.TN-57-N-2237 in a rash and negligent manner and attempted to overtake the car, thereby dashing it. As a result of which, the driver of the car lost his control and crossed the Center Median to the opposite side and overturned. Due to the said impact, the deceased sustained grievous injuries all over his body. The first claimant and other co-occupant of the car also sustained injuries. Immediately, all the injured were taken to Government Hospital, Vadipatti. The deceased succumbed to the injuries at about 8.45 p.m., on the same day. On the complaint, CIR in Cr.No.229 of 2023 has been registered for the offences punishable under Sections 379, 337 and 304-A of IPC, on the file of the Inspector of Police, Vadipatti Police Station. Therefore, the respondents 1 to 4 being the legal heirs of the deceased, filed a claim petition.



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3.On the side of the claimants, P.W.1 & P.W.2 were examined and Exs.P1 to P20 were marked. On the side of the respondent, RW1 and RW2 were examined and Ex.R1 and Ex.R2/P.15 were marked.

4.On perusal of the oral and documentary evidence, the Tribunal concluded that the accident occurred only due to the rash and negligent driving of the fifth respondent. Therefore, the Tribunal fastened the liability on the appellant and awarded compensation to the claimants to the tune of Rs.51,85,000/-. Aggrieved by the same, the appellant transport corporation filed this appeal challenging the liability and the quantum of compensation.

5.The learned counsel appearing for the appellant submitted that the rear side wheel of the car bursted, which was the sole reason for the accident. Therefore, the accident did not happened due to rash and negligent driving of the fifth respondent. The learned counsel for the appellant submitted that the Tribunal has awarded a sum of Rs.50,000/- under the head of Consortium and also awarded a sum of Rs.4,00,000/-



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towards loss of love and affection to all the claimants. As per the judgment of the Apex Court in **National Insurance Company Limited Vs. Pranay Sethi and others** reported in **2017 (2) TN MAC 609 (SC)**, the Tribunal has to award either under the head of consortium or under the head of love and affection to the wife, but the Tribunal has wrongly awarded a compensation under both heads.

6. On perusal of the records and also on the deposition of P.W. 1, who travelled in the car, it is revealed that, when the fifth respondent attempted to over take the car, which was driven by the deceased, he allegedly dashed against the car on its rear side and as such, the car dashed against the Center Median and landed on the opposite side and over turned and due to which, the tire of the car bursted. Therefore, the Tribunal concluded that the accident occurred only due to the rash and negligent driving of the fifth respondent and fastened the entire liability on the first respondent.



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7. With regard to the liability aspect is concerned, this Court finds no infirmity or illegality in the order passed by the Tribunal.

8. Considering the submission made by the learned counsel for the appellant, this Court is inclined to set aside the compensation awarded by the Tribunal to the first claimant /wife of the deceased under the head of consortium. As per the judgment of the Apex Court in **National Insurance Company Limited Vs. Pranay Sethi and others** reported in **2017 (2) TN MAC 609 (SC)**, the compensation awarded by the Tribunal under the head of loss of love and affection is reduced to Rs. 40,000/- to each of the claimants. Further, the amount awarded by the Tribunal under the head of funeral expenses is reduced to Rs.15,000/- from Rs.20,000/-. The award of the tribunal in all other heads are just and reasonable and the same are confirmed. The award of the Tribunal is modified as under:-



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S.No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Loss of income	46,80,000	46,80,000	confirmed
2.	Transportation to hospital	10,000	10,000	confirmed
3.	Damage to clothing	5,000	5,000	confirmed
4.	Loss of spousal, parental and filial consortium	50,000	-	Set aside
5.	Loss of estate	20,000	20,000	Confirmed
6.	Loss of love and affection	4,00,000	1,60,000 (Rs.40,000 x 4)	reduced
7.	Funeral expenses	20,000	15,000	reduced
	Total	51,85,000	48,90,000	

9. Thus, the claimants are entitled to the modified compensation of **Rs.48,90,000/-** (Rupees Fortyeight lakhs and Ninety Thousand only) with interest at the rate of 7.5% per annum from the date of claim petition till the date of realisation.



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10. In that view, this Civil Miscellaneous Appeal is partly allowed. The appellant / Transport Corporation is directed to deposit the modified award amount with accrued interest and costs, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this order. The appellant Transport Corporation is permitted to withdraw the excess amount, if any. On such deposit being made, the claimants 1 & 4/respondents 1 & 4 are permitted to withdraw their share as per the ratio of apportionment made by the Tribunal, by making necessary application before the Tribunal. The Tribunal shall deposit the share of the minors claimants 2 & 3 in any one of the Nationalized bank in a Fixed Deposit initially for a period of three years and renewable thereafter, till the minors attain majority. The guardian/ of the minor claimants/ first respondent is permitted to withdraw the accrued interest once in three months directly from the bank. No costs. Consequently, connected miscellaneous petition is closed.

[G.K.I.J.,] & [R.P.J.,]
08.01.2026

NCC :Yes/No
Index :Yes/No
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To

- 1.The Motor Accident Claims Tribunal,
Additional District and Sessions Court,
Periyakulam.
- 2.The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court,
Madurai.



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AND

R. POORNIMA, J.

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