

C.M.A(MD)No.1478 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 20.02.2026

Pronounced on : 03.06.2026

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CORAM:

THE HONOURABLE MR.JUSTICE P.VADAMALAI

C.M.A(MD)No.1478 of 2025

Failun Nisha,
W/o. Raubukhan,
No.36, Saran Street,
Keelakarai, Keelakarai Taluk,
Ramanathapuram District.

... Appellant/1st Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Trichy.

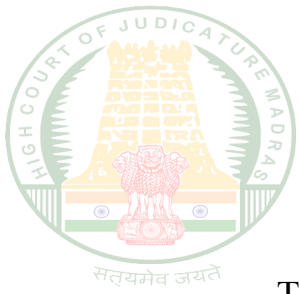
...1st Respondent/Respondent

2. Hameed Yazdeen,
S/o.Raubukhan,
No.36, Saran Street,
Keelakarai, Keelakarai Taluk,
Ramanathapuram District.

...2nd Respondent/2nd Petitioner

PRAYER : This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, to call for the records and set aside the fair and decreetal order, dated 04.10.2019 in M.C.O.P.No.67 of 2018 on the file of the Motor Accident Claims Tribunal-cum-Principal District and Sessions Judge, Ramanathapuram and to grant compensation as claimed in the claim petition.

For Appellant	: Mr.J.M.Hassanul Bazari
For R1	: Mr.S.MichealHeldon Kumar
R2	: Dispensed With



JUDGMENT

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This Civil Miscellaneous Appeal is filed challenging the award, dated 04.10.2019 passed in M.C.O.P.No.67 of 2018 by the Motor Accident Claims Tribunal/Principal District and Sessions Judge, Ramanathapuram.

2.The 1st petitioner/claimant in M.C.O.P.No.67 of 2018 is the appellant herein. The 1st petitioner/claimant is the dependent of the deceased Jiyavudeen, who died in a motor traffic accident. The 1st respondent is respondent/TNSTC and the 2nd respondent is the 2nd petitioner in the claim petition.

3.For the sake of convenience, the parties as arrayed in M.C.O.P.No.67 of 2018 are adopted hereunder.

4.The brief facts of the case:

On 29.11.2015, the deceased Jiyavudeen was riding as a pillion rider along with his friend/rider in a motorcycle bearing registration No.TN 01 AU 0351 from Chennai. At about 4.00 hours, when they were nearing Okkoor Kootu Road on the Chennai to Dindivanam main road, the respondent Corporation bus bearing registration number TN 45 N 3533, driven by its



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driver in a rash and negligent manner from the back side and while trying to overtake a two-wheeler, dashed into the two wheeler. Due to the impact, the pillion rider/deceased and rider died on the spot due to multiple fatal injuries. The deceased Jiyavudeen was aged 29 years and he was a bachelor. He was working as a driver and was earning Rs.15,000/- p.m. The petitioners are dependent on the income of the deceased Jiyavudeen. An F.I.R. in Crime No.392 of 2015 U/s.279 and 304(A) of IPC was registered against the driver of the respondent by Okkur Police Station. Hence, the petitioners/mother and brother, filed a claim petition seeking compensation of Rs.20,00,000/-.

5.The respondent/TNSTC objected to the claim petition by contending that the respondent's bus driver had driven the bus at a normal speed with due care by following traffic rules from north to south. The rider of the two wheeler, along with the deceased, was riding at high speed in a rash and negligent manner, tried to overtake the bus and invited the accident. Hence, the petitioners are not entitled to claim from the respondent.

6.Before the Tribunal, both sides adduced oral and documentary evidence. The petitioners examined two witnesses as P.W.1 and P.W.2 and marked 8 documents as Ex.P.1 to Ex.P.8. On the respondent's side, no



witness was examined, and no document was marked.

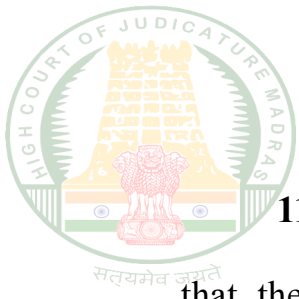
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7.After hearing both sides and considering the evidence, the Tribunal has held negligence on the part of the driver of the respondent's bus. The Tribunal has partly allowed the claim petition in favour of the 1st petitioner/mother alone and arrived at a total compensation of Rs.11,41,000/- and directed the respondent/TNSTC to pay the amount to the 1st petitioner with interest & cost and dismissed the petition as against the 2nd petitioner/brother, by its order, dated 04.10.2019.

8.Aggrieved by the said award, the 1st petitioner/claimant has preferred this Civil Miscellaneous Appeal.

9.Heard both sides and perused the records in this Civil Miscellaneous Appeal.

10.There is no dispute by both sides that the accident took place due to the rash and negligent driving of the respondent's driver and that the deceased Jiyavudeen, was a bachelor who was aged 29 at the time of the accident. The only dispute is regarding the income of the deceased and the quantum of loss of income.

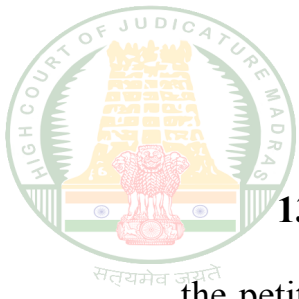


C.M.A(MD)No.1478 of 2022

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11.The learned counsel for the appellant/1st petitioner has submitted that the deceased Jiyavudeen was working as a driver and was earning Rs.15,000/- as per Ex.P.5 - Salary certificate. But the Tribunal has fixed the notional income at Rs.7,500/- p.m., which is half of the salary as mentioned in Ex.P.5 - Salary certificate. The Tribunal declined to fix the income as the competent person of Ex.P.5 was not examined. The accident in this case occurred in 2015. This Court has fixed the notional income at Rs.10,000/- p.m. with 40% future prospects for a deceased person who died in an accident that took place in the year 2015 by relying on the order passed by the Principal Seat of this Court in C.M.A.No.1963 of 2019, dated 17.08.2022. In other respects, there is no dispute regarding compensation awarded under other heads by the Tribunal.

12.The learned counsel for the respondent/TNSTC has contended that in the absence of any proof of income, the Tribunal has properly appreciated the evidence and correctly fixed the notional income at Rs.7,500/-. However, the learned respondent's counsel concedes to fix Rs.9,000/- as the notional income of the deceased. In other respects of the award, the Tribunal has correctly awarded the compensation. He further submits that this appeal has been allowed on condonation of delay of 1868 days, so the appellant/petitioner is not entitled to interest for the said delay period.



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13.On hearing both sides and on perusal of the records, it is clear that the petitioners state that the deceased was working as a driver and the same was not strongly denied by the respondent. Eventhough the petitioners produced Ex.P.5, the Tribunal has not accepted the same for the reason that the petitioners/claimants have not examined any competent person to prove the same and the same is upheld as correct. The Tribunal has fixed the notional income as Rs.7,500/-. The appellant/1st petitioner in this appeal has sought fixation of income as Rs.15,000/- based on Ex.P.5 - Salary certificate. However, the appellant has still not produced additional evidence to substantiate the same. At the same time, considering the order of this Court in C.M.A.No.1963 of 2019, as relied on by the learned counsel for the appellant, this Court is inclined to fix the notional income as Rs.10,000/- p.m.

14.Both sides have not raised any question with regard to 1/2 deduction towards the personal expenses of the deceased, as he was a bachelor and also 40% future prospects as fixed by the Tribunal. Applying the same, the income of the deceased after adding 40% prospects is Rs.14,000/- (Rs.10,000 + Rs.4,000/- (40% of Rs.10,000)). After deducting 1/2 for the personal expenses of the deceased, the monthly loss of income of the dependents of the deceased would be Rs.7,000/-. Considering the age of the deceased as 29, the multiplier '17' is correct as per the **Sarala Verma** case.



Therefore, the loss of income is Rs 7,000/- x 12 x 17 = Rs.14,28,000/-.

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15.While considering the loss of consortium, the Tribunal has only awarded Rs.40,000/- to the appellant/1st petitioner. It is not disputed by the learned counsel for the respondent. It is also not disputed by both sides in respect of the sum of Rs.15,000/- towards loss of estate and Rs.15,000/- towards funeral expenses.

16.Thus, this Court holds that the total compensation payable to the appellant/1st petitioner/claimant in MCOP.No.67 of 2018 is as follows:

Sl. No.	Description	Amount awarded by this Court
1.	Loss of income (Rs.7000 x 12 x 17)	Rs.14,28,000/-
2.	Towards Funeral Expenses	Rs. 15,000/-
3.	Loss of Estate	Rs. 15,000/-
4.	Loss of Love and Affection for the 1 st petitioner	Rs. 40,000/-
	Total	Rs. 14,98,000/-

Hence, the appellant/1st petitioner/claimant in MCOP.No.67 of 2018 is entitled to Rs.14,98,000/-.

17.Therefore, to that extent, the compensation awarded by the Tribunal is set aside and enhanced and fixed as Rs.14,98,000/-. In other respects, the



C.M.A(MD)No.1478 of 2025

award of the Tribunal has to be confirmed. The appellant/
1st petitioner/claimant is not entitled to the interest for the delay condonation
period of 1868 days in preferring this Civil Miscellaneous Appeal as per the
order passed in C.M.P(MD)No.17136 of 2025, dated 20.11.2025.

18. In the result,

(i) The Civil Miscellaneous Appeal is partly allowed. No costs.

(ii) The quantum of compensation awarded by the Tribunal is enhanced
from Rs.11,41,000/- to Rs.14,98,000/- (Rupees Fourteen Lakhs and Ninety
Eight Thousand only).

(iii)The appellant/1st petitioner/claimant/mother of the deceased is
entitled to receive the enhanced compensation of Rs.14,98,000/- with interest
at 7.5% p.a., except for the delay period of 1868 days in preferring this Civil
Miscellaneous Appeal as per the order passed in C.M.P.(MD)No.17136 of
2025, dated 20.11.2025 and costs.

(iv)The respondent/TNSTC is directed to deposit the entire
compensation amount of Rs.14,98,000/- (Rupees Fourteen Lakhs and Ninety
Eight Thousand only), if already not deposited or less the amount already
deposited, together with interest at the rate of 7.5% per annum from the date
of the claim petition till the date of deposit to the credit of M.C.O.P.No.67 of
2018 on the file of the Motor Accident Claims Tribunal/Principal District and



C.M.A(MD)No.1478 of 2025

Sessions Court, Ramanathapuram within a period of four weeks from the date of receipt of a copy of this order. The appellant/1st petitioner/claimants is not entitled to interest for the delay condonation period of 1868 days in preferring this Civil Miscellaneous Appeal as per the order passed in C.M.P(MD)No.17136 of 2025, dated 20.11.2025.

(v) On such deposit being made by the respondent/TNSTC, on payment of the required additional Court fee, the appellant/1st petitioner/claimant is permitted to withdraw the entire amount of compensation with interest and cost by filing an appropriate application before the Tribunal, less the amount already withdrawn, if any.

03.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD

To

- 1.The Motor Accident Claims Tribunal/
Principal District and Sessions Judge,
Ramanathapuram.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.M.A(MD)No.1478 of 2025

P.VADAMALAI, J.

VSD

Pre - Delivery Judgment made in
C.M.A(MD)No.1478 of 2025

03.06.2026