

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2026

CORAM:

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

**C.M.A(MD)No. 702 of 2026
and
CMP.(MD).No. 7292 of 2026**

The Managing Director,
Functioning at Tamil Nadu State Transport Corporation,
Byepass Road,
Madurai.

... Appellant

Vs.

1.Vijayalakshmi

2.Minor Vasanthakumar

3.Minor Brindha

... Respondents

(Minor respondent Nos.2 and 3 represented through their mother and natural guardian 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.1292 of 2022 dated 27.03.2024.

For Appellant : Mr.S.Micheal Heldon Kumar



J U D G M E N T

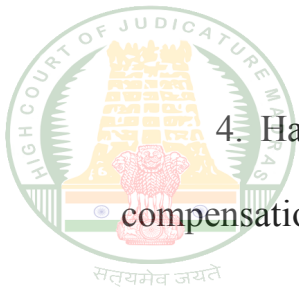
**(Judgment of the Court was delivered by
N.ANAND VENKATESH, J.)**

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The Transport Corporation has filed the present appeal aggrieved by the award passed by the Motor Accident Claims Tribunal / Special District Court, Madurai in MCOP.No.1292 of 2022 dated 27.03.2024.

2. The first respondent is the wife and the second and third respondents are the children of the deceased. The case of the claimants is that on 12.06.2019, when the deceased was coming in his two-wheeler from South to North at about 10.15 p.m., the bus belonging to the Transport Corporation was driven in a rash and negligent manner and it dashed on the rear side of the two-wheeler, as a result of which, the deceased was thrown out of the vehicle and he succumbed to the injuries on 16.06.2019. It is under these circumstances, the claim petition came to be filed before the Tribunal.

3. 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 accident had taken place only due to the rash and negligent driving on the part of the driver of the bus belonging to the Transport Corporation.



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4. Having rendered the above finding, the Tribunal proceeded to fix the total compensation at Rs.29,27,615/- under the following heads:

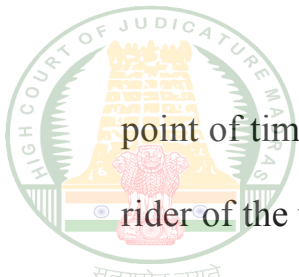
Head	Amount
Loss of Income	Rs.27,72,615/-
Spousal Consortium to the wife of the deceased	Rs.40,000/-
Parental Consortium to the children of the deceased (each)	Rs.80,000/-
Transport Charges	Rs.5,000/-
Funeral Expenses	Rs.15,000/-
Loss of Estate	Rs.15,000
Total	Rs.29,27,615/-

5. The above compensation was directed to be paid along with interest at the rate of 7.5% per annum.

6. Aggrieved by the same, the present appeal has been filed by the Transport Corporation.

7. The learned Standing Counsel appearing for the appellant submitted that the appellant is questioning the award both on the ground of negligence as well as the quantum of compensation fixed by the Tribunal.

8. Insofar as the negligence is concerned, the learned counsel submitted that the deceased, who was riding a two-wheeler, attempted to over-take the bus and at that



point of time, a car was coming in the opposite direction and as a result of the same, the rider of the two-wheeler lost the balance and was caught under the wheels. Therefore, it is contended that there is certainly an element of contributory negligence on the part of the deceased.

9. We carefully went through the award passed by the Tribunal and the materials available on record.

10. The Tribunal, on appreciation of oral and documentary evidence, found that the eye-witness to the accident, namely, P.W.2 has explained about the incident and there was no evidence available to the effect that there was any other vehicle involved apart from the bus belonging to the Transport Corporation and the two-wheeler that was driven by the deceased. Accordingly, the Tribunal after considering the evidence also had taken into account the FIR that was registered against the driver of the bus belonging to the Transport Corporation and concluded that the rash and negligent driving was only on the part of the driver of the bus. This finding rendered by the Tribunal does not suffer from any perversity warranting the interference of this Court.

11. The next ground urged by the learned counsel appearing for the appellant is that the Tribunal while fixing the age of the deceased has erroneously fixed as “30” years instead of “36” years and consequently, applied the wrong multiplier.



12. We have carefully gone through the award passed by the Tribunal and it is seen that in the claim petition, the age of the deceased was mentioned as “36”.

However, the Postmortem Doctor has assessed the aged of the deceased as “30” under Ex.P.2. The Tribunal has rightly taken into consideration this postmortem report and determined the age of the deceased as “30” and applied the proper multiplier. We do not find any perversity in the said finding rendered by the Tribunal.

13. The compensation that has been granted by the Tribunal under the various heads is also just and proper and it does not warrant the interference of this Court.

14. Accordingly, this Civil Miscellaneous Appeal stands dismissed. There shall be a direction to the appellant Transport Corporation to deposit the entire compensation of Rs.29,27,615/- along with accrued interest to the credit of M.C.O.P.No.1292 of 2022 on the file the Motor Accident Claims Tribunal / Special District Court, Madurai, within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the claimants are entitled to withdraw the same in the proportion as fixed by the Tribunal. No costs. Consequently connected Miscellaneous Petition is closed.

[N.A.V., J.]

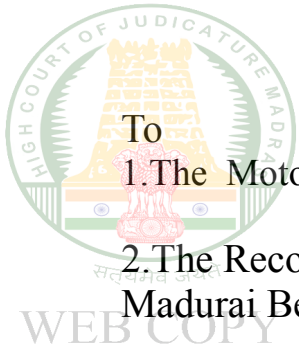
[K.K.R.K., J.]

17.06.2026

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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