WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 16-09-2026**

CORAM:

**THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**CMA.No.458 of 2022**

*CNR: {HCMA010013402022}*

Case QR

The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Division, Kumbakonam

.. Appellant

Vs.

1. T.Murugan
   S/o. V.Thangasamy
   No. 17, Bazaar Road, Singaperumal Koil,
   Chengalpattu Taluk.

2. Minor M. Sanjith
   S/o.T.Murugan,
   (Minor rep by his guardian father and next friend T.Murugan)
   No. 17, Bazaar Road, Singaperumal Koil,
   Chengalpattu Taluk.

..Respondent(s)

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, praying to set aside the Order dated 30.09.2021 made in M.C.O.P.No.236 of 2015 on the file of the Motor Accidents Claims Tribunal, Additional District Judge, Chengalpattu.

For appellants : Mr.M.Murali Vinodh

For Respondents: Mr.J.Ram



https://www.mhc.tn.gov.in/judis
www.taxcode.in

WEB COPY

**JUDGMENT**

The unsuccessful Transport Corporation has preferred the present appeal, challenging the quantum of compensation arrived at and fixed by the Tribunal.

2. The first claimant is the husband of the deceased Jansi Rani and the second claimant is the minor son of the deceased. The claim petition under Section 166 of the Motor Vehicles Act, was filed by the claimants seeking compensation for the death of the said Jansi Rani, who was aged about 28 years at the time of the motor vehicle accident that took place on 17.04.2014. According to the claimants, on that day, the deceased was travelling along with her husband from Chromepet to Tambaram on the left side of the GST Road and when they reached opposite to Alagappa Chettinad Hotel, Sanatorium, the first respondent's Transport Corporation bus, i.e. the appellant's bus bearing Registration No.TN-49-N-1448 driven by its driver in a rash and negligent manner, had hit the two-wheeler driven by the deceased and due to the said accident, the deceased Jansi Rani and her child were thrown out from the road and the accident had occurred only due to the rash and negligent driving of the driver of the bus.

3. The appellant-Transport Corporation has filed counter statement stating that the accident was caused only due to the rash driving of the motor cycle by


https://www.mhc.tn.gov.in/judis
www.taxcode.in

WEB COPY

the deceased and without following the rules and regulations and denied the manner of the accident, while the Tribunal in the claim petition, has observed that the rider of the two-wheeler, while riding the two-wheeler, does not possess effective driving licence at the time of accident.

4. On behalf of the claimants, the first claimant was examined as P.W.1 and Exs.P-1 to P-7 were marked. On the side of the respondent, the driver of the bus was examined as R.W.1 and no document was marked.

5. On appreciation of the entire evidence adduced on either side, the Tribunal found that Ex.P-1 FIR has been registered against the driver of the bus belonging to the appellant-Transport Corporation. As per the evidence of P.W.1, who was the rider of the two-wheeler, deposed that the deceased and P.W.1, when they were nearing the place opposite to Alagappa Chettinad Hotel, in Sanatorium, all of a sudden, the driver of the bus moved the bus in a rash and negligent manner and hit the rear side of the two-wheeler and the Tribunal came to the conclusion that the accident had occurred only due the negligent driving of the driver of the bus belonging to the Transport Corporation. Though the claimant has stated that the deceased had worked as a Tailor and earning Rs.20,000/- per month, in the absence of any proof for the same, the Tribunal fixed Rs.15,000/- as notional income and considering the age of the deceased, as per Ex.P-3 post-mortem certificate and Ex.P-4 Death Certificate of the


https://www.mhc.tn.gov.in/judis
www.taxcode.in

WEB COPY

deceased Jansi Rani, by applying the principles laid down by the Honourable Apex Court in the case of *National Insurance Company Limited Vs. Pranay Sethi and others*, reported in 2017 (2) TN MAC 601, and also the decision of the Honourable Supreme Court in the case of *Smt. Sarla Verma and others Vs. Delhi Transport Corporation* and another, reported in 2009 (6) SCC 121, awarded compensation of Rs.30,31,000/- with costs and accrued interest thereon @ 7.5% per annum from the date of numbering the claim petition, i.e. from 17.11.2015 to till the date of deposit.

6. The Tribunal awarded the compensation of Rs.30,31,000/- under the following heads:

(i) loss of earning – Rs.28,56,000/-

(ii) Transport to hospital – Rs.5,000/-

(iii) pain and suffering – Rs.10,000/-

(iv) loss of estate - Rs.15,000/-

(v) mental agony and hardship to the claimants – Rs.50,000/-

(vi) funeral expenses – Rs.15,000/-

(vii) loss of consortium – Rs.80,000/-

Aggrieved by the above compensation awarded by the Tribunal, the Transport Corporation has preferred the present appeal.


https://www.mhc.tn.gov.in/judis
www.taxcode.in

WEB COPY


7. Learned counsel for the appellant/Transport Corporation submitted that in the absence of any proof, though the claimant stated that the deceased was working as a Tailor and earning Rs.20,000/- p.m., in the absence of any proof for the same, the Tribunal ought not to have fixed Rs.15,000/- as the monthly notional income and prayed that the same may be reduced. Learned counsel further submitted that the Tribunal has awarded Rs.80,000/- under the head "loss of consortium". For the mental agony and hardship to the claimants, Rs.50,000/- was awarded, which is improper and incorrect and the compensation awarded under the head of mental agony and hardship to the claimants, may be reduced.

8. Per contra, learned counsel for the claimants submitted that, on appreciation of the evidence adduced on the side of the claimant, the Tribunal came to the conclusion that the deceased was a Tailor and at that time, she was a skilled worker and considering the fact that the age of the deceased at the time of accident, was rightly fixed based on the notional income of Rs.15,000/- and accordingly, the compensation was awarded and there is no infirmity in the Award of the Tribunal.

9. This Court has considered the submissions made on either side and perused the materials available on record.


https://www.mhc.tn.gov.in/judis
www.taxcode.in

WEB COPY

10. There is no dispute with regard to the manner of the accident and the negligence fixed on the part of the driver of the bus belonging to the appellant/Transport Corporation. The only grievance of the appellant is that the fixation of the notional income of Rs.15,000/- for the mental agony and hardship to the claimants, as Rs.50,000/- is on the higher side. According to the claimants, at the time of accident, the age of the deceased was 28 years and she was working as Tailor and earning Rs.20,000/- p.m. In the absence of proof for the monthly income, considering the fact that the deceased was also a house-wife, the Tribunal opined that the deceased would have to maintain her family, and hence, the Tribunal fixed Rs.15,000/- towards monthly notional income and it does not require any interference by this Court.

11. As per Ex.P-2 death report and Ex.P-3 post-mortem certificate, the age of the deceased was fixed by the Tribunal as 28 years. Considering the ratio laid down by the Honourable Supreme Court in the above stated two decisions, the compensation was awarded by the Tribunal under the other heads and the total compensation awarded was Rs.30,31,000/-, does not require any interference by this Court.

12. As far as the compensation awarded by the Tribunal under the head "loss of consortium, it is seen from the records that the Tribunal awarded Rs.80,000/- under the head "loss of consortium". However, the Tribunal


https://www.mhc.tn.gov.in/judis
www.taxcode.in

WEB COPY

awarded Rs.50,000/- under the head of mental agony and hardship to the claimants. According to the appellant, the award of Rs.50,000/- under the head of mental agony and hardship to the claimants, is not proper and hence, the same is hereby set aside. But, this Court is of the view that the first claimant is the husband of the deceased and the second claimant is the minor son of the deceased and each of them are entitled to Rs.40,000/- under the head of loss of consortium, which was not on the higher side and the same is confirmed.

13. The amounts awarded by the Tribunal under the other heads are fair and reasonable and they do not warrant interference by this Court.

14. Accordingly in the light of the above modified compensation, the present CMA is partly allowed. The appellant/Transport Corporation is directed to deposit the above modified compensation amount, less the amount if any already deposited, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit being made, the claimants are permitted to file appropriate application and seek for withdrawal of the total compensation before the Tribunal. There shall be no order as to costs.

**16-09-2026**

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
cs


https://www.mhc.tn.gov.in/judis
www.taxcode.in

WEB COPY

To

1. The Presiding Officer, Motor Accidents Claims Tribunal/
   Additional District Judge, Chengalpattu.

2. The Record Keeper, V.R.Section, High Court, Madras.


https://www.mhc.tn.gov.in/judis
www.taxcode.in

WEB COPY



M.JOTHIRAMAN, J

cs

C.M.A.No.458 of 2022

16.09.2026



https://www.mhc.tn.gov.in/judis
www.taxcode.in