



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2026

WEB COPY

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.104 of 2023

1.Kalaiyarasi

2.Minor Saganasri

3.Minor Dhaneeswaran

4.Kalimuthu

5.Maruthambal

..Appellants

[Minors 2 and 3 are represented by their mother and natural guardian,
Kalaiyarasi]

.vs.

The Managing Director,
Tamil nadu State Transport Corporation Ltd.,
No.31/37 Salamedu,
Villupuram 605 602.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 31.10.2022 and made in MCOP No.90 of 2021, on the file of the Motor Accident Claims Tribunal, Principal District Judge, Perambalur.

For Appellants : Ms.Shanmitha

For Respondents : Mr.S.S.Santhosa Kumar



JUDGMENT

WEB COPY

This appeal has been filed against the Award passed by the MACT, Principal District Judge, Perambalur in MCOP No.90 of 2021 dated 31.10.2022, wherein the claimants have sought for enhancement of compensation.

2.The 1st claimant is the wife, the 2nd and 3rd claimants are the minor daughter and son and the 4th and 5th claimants are the parents of the deceased Sengamalam.

3.The case of the claimants is that the deceased was riding a two wheeler at Trichy-Chennai NH Road on 14.10.2020, and at about 2.00 p.m., when the two wheeler was proceeding near the petrol bunk, the offending vehicle, which is a bus belonging to the respondent Corporation, was driven in a rash and negligent manner. As a result of which, it dashed on the rear side of the two wheeler. On its impact, the deceased was thrown out of the vehicle, and he sustained fatal injuries and died on the spot. An FIR came to be registered in Crime No.1234 of 2020 against the driver of the bus belonging to the Transport Corporation. It is under these circumstances that the claim petition came to be filed before the Tribunal.



WEB COPY

4.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.

5.Having rendered the above finding, the Tribunal fixed the total compensation at Rs.30,96,590/- under the following heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of Dependency	28,66,590
Consortium	40,000
Parental Consortium (2 x 40,000) Filial Consortium (2 x 40,000)	80,000
Loss of Estate	15,000
Funeral Expenses	15,000
Total	30,96,590

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

9.Aggrieved by the same, the claimants have filed the present appeal seeking for enhancement of compensation.



WEB COPY

10. Heard the learned counsel for the appellants and the learned counsel appearing on behalf of the respondent.

11. In the case in hand, the specific case of the claimants is that the deceased was working as a Glass Fitting Supervisor at Sharjah, United Arab Emirates, and he was earning a sum of Rs.80,000/- per month. To substantiate the same, Exs.P4 to P7 were marked. The Tribunal found that the deceased was working at UAE and he was also sending Rs.80,000/- to his family, which is borne out in the passbook, and the deceased had returned back to India on 12.10.2019. Once again, the deceased was taking steps to return back to UAE, and he had also purchased the flight ticket to travel to Sharjah on 05.04.2020. Unfortunately, he was not able to move out of India. The accident thereafter took place on 14.10.2020, and it resulted in the death of the above said Sengamalam.

12. The Tribunal found that there was no entry in the passport to show that the deceased travelled to Sharjah after purchasing the flight ticket and there was no evidence to show that the deceased was earning and contributing Rs.80,000/- to the family and therefore, the Tribunal proceeded to fix the



notional income by adopting the cost of inflation index relying upon the judgment of this Court in *Andal and Others v. Avinav Kannan and Another* case.

13. In the case in hand, there was sufficient material to show that the deceased was, in fact, working in Sharjah. There is also evidence to show that the deceased was sending money to his family. After the deceased returned back during October 2019 and by the time he was planning to go back to Sharjah, the total lockdown was clamped after the Covid pandemic. Therefore, obviously, the deceased could not have returned back to UAE during the relevant point of time. In view of the same, it cannot be held that the deceased was incapable of earning the income which he used to earn upto the year 2019. The Court has to apply the test of preponderance of probabilities, and this Court finds that the Tribunal fixing the notional monthly income at Rs.15,166.66/- is clearly on the lower side.

14. Considering the over all circumstances, this Court is inclined to fix the notional monthly income at Rs.25,000/-. Accordingly, the compensation under the head of loss of income is calculated as follows:

$$\text{Rs.35,000/-} [\text{Rs.25,000/-} + \text{Rs.10,000/-(40\%)}] \times 12 \times 15 \times \frac{1}{4} = \text{Rs.47,25,000/-}$$



WEB COPY

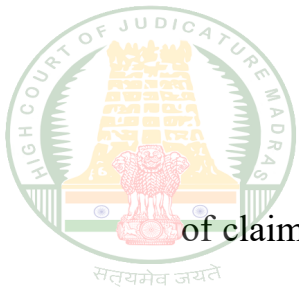
15.The Tribunal has granted a total compensation of Rs.1,60,000/- towards parental consortium and filial consortium put together. This Court is inclined to consolidate the same under the head of loss of consortium and fix a sum of Rs.2,00,000/- under this head. (Rs.40,000/- x 2).

16.The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

17.In the light of the above discussion, the compensation fixed by the Tribunal is modified as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of Dependency	47,25,000
Loss of Consortium	2,00,000
Loss of Estate	15,000
Funeral Expenses	15,000
Total	49,55,000

18.The compensation awarded by the tribunal at Rs.30,96,590/- is enhanced to Rs.49,55,000/-. The respondent insurance company is directed to deposit the enhanced compensation of Rs.49,55,000/-, less the amount already deposited, together with interest at the rate of 7.5% p.a. from the date



WEB COPY

of claim petition till the date of deposit within a period of six weeks from the date of receipt of this judgment. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

19.This Civil Miscellaneous Appeal is partly allowed in the above terms. No Costs.

20.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
ssr



WEB COPY



N. ANAND VENKATESH., J

SSR

To

The Motor Accident Claims Tribunal, Principal District Judge, Perambalur.

CMA No.104 of 2023

20.07.2026