



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 509 of 2025

1. K.Govindan
S/o. Krishnan, Residing at No.19/3H, School
Street, Vanniyarpalayam, Cuddalore-607 001.

2. K Sakthivel
S/o. Krishnan, Residing at No.19/3H, School
Street, Vanniyarpalayam, Cuddalore-607 001.

..Appellant(s)

Vs

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Kanchipuram Region, kanchipuram-631 501

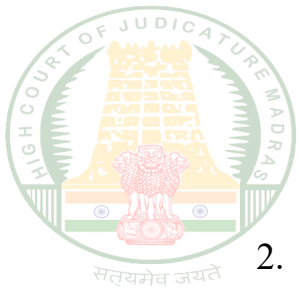
..Respondent(s)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow the appeal and enhance the compensation in MCOP.No.1560/2019 dated 15-10-2024 (On the file of the Motor Accidents Claims Tribunal / Special District Court No.II, Cuddalore).

For Appellant(s): Mrs.Ramya V.Rao
For Respondent(s): Mr.S.Santhosa Kumar

JUDGMENT

This appeal has been filed against the award passed by the Special District Judge No.II, Motor Accident Claims Tribunal made in M.C.O.P.No.1560 of 2019 dated 15.10.2024, wherein the claimants are seeking for enhancement of compensation.



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2. The claimants are the brothers of the deceased. On 21.06.2019, the deceased was walking on the left side of the road and at about 17.30 hours, a bus belonging to the Transport Corporation is said to have been driven in a rash and negligent manner and dashed against the deceased and the deceased was run over, as a result of which, the deceased died on the spot. An FIR was also registered against the driver of the bus in Crime No.21/2019. It is under these circumstances, the claim petition came to be filed before the Tribunal.

3. The respondent – Transport Corporation filed a counter and took a stand that the claimants are not the dependents and that there was no negligence on the part of the driver of the bus belonging to the Transport Corporation.

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 offending vehicle.

5. The Tribunal having rendered the above finding fixed the total compensation at Rs.5,68,000/- under the following heads:



Sl. No.	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of Income	Rs.5,25,000/-
2.	Loss of Spousal consortium	Nil
3.	Funeral expenses and loss of estate	Rs.33,000/-
4.	Transport expenses	Rs.10,000/-
	Total	Rs.5,68,000/-

The said compensation was directed to be paid with interest at the rate of 7.5% per annum. Aggrieved by the same, the present appeal has been filed before this Court seeking enhancement of compensation.

6. This Court heard Mrs.Ramya V.Rao, learned counsel appearing on behalf of the appellants – claimants and Mr.S.Santhosa Kumar, learned counsel appearing on behalf of the respondent – Transport Corporation.

7. This Court carefully considered the submissions made on either side and the materials available on record. This Court also carefully went through the award passed by the Tribunal.

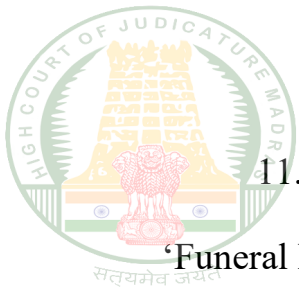
8. The bone of contention in the present case is that the notional income that was fixed by the Tribunal at Rs.5,000/- for an accident which took place in the year 2019, is on the lower side.



9. The claimants are admittedly the brothers of the deceased. The deceased was aged about 45 years and as per pleadings and as per the complaint given to the police, which resulted in the registration of the FIR, the deceased was living along with her brothers and apart from spending on herself, she was also contributing to her family. Therefore, there was some element of contribution on the side of the deceased, even though the claimants may not be completely dependent on the deceased. Considering the same, and instead of fixing the notional income as is fixed in the other cases for an accident of the year 2019, this Court is inclined to take a conservative view and fix the notional monthly income at Rs.7,500/-. Accordingly, the compensation under the head of Loss of income is calculated as follows:

Monthly Income	:	Rs.7,500/-	
Future Prospects @ 25%	:	Rs.1,875/-	= Rs.9,375/-
Deduction 1/2 towards personal expenses	:	Rs.4,687.5/-	
(Rs.9,375/- (-) Rs.4,687.5/-)			
Annual Income	:	Rs.56,250/-	(Rs.4,687.5/- x 12)
Multiplier	:	'14'	
Loss of income:		Rs.7,87,500/-	(Rs.56,250/- x 14)

10. The Tribunal has not granted any compensation under the head of 'Loss of Consortium'. Considering the fact that the brothers have lost their sister who was living with them, this Court is inclined to fix a sum of Rs.80,000/- under the head of 'Loss of Consortium' (Rs.40,000 x 2).



11. The Tribunal has fixed a sum of Rs.33,000/- under the heads of 'Funeral Expenses' and 'Loss of Estate' and the same is reduced to Rs.30,000/-.

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12. The compensation granted under the head of 'Transport Expenses' is just and reasonable and it does not require interference by this Court.

13. In the light of the above discussion, the award passed by the Tribunal is modified as follows:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Loss of income	Rs.5,25,000/-	Rs.7,87,500/-
2.	Loss of Spousal consortium	Nil	Rs.80,000/-
3.	Funeral expenses and loss of estate	Rs.33,000/-	Rs.30,000/-
4.	Transport Expenses	Rs.10,000/-	Rs.10,000/-
	Total	Rs.5,68,000/-	Rs.9,07,500/-

14. The compensation awarded by the Tribunal at Rs.5,68,000/- is enhanced to Rs.9,07,500/-. The respondent – Transport Corporation is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit within a period of six (6) weeks from the date of receipt of a copy of this judgment and on such deposit, the claimants are entitled to withdraw the same on due application as apportioned by the Tribunal. Insofar



as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

15. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

16-07-2026

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

SSI

To:

1. The Special District Judge No.II,
Motor Accident Claims Tribunal,
Cuddalore.

2. The Section Officer,
V.R.Section,
High Court of Madras.



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N.ANAND VENKATESH, J.

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