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CMA.No.2508 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-07-2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

Civil Miscellaneous Appeal No.2508 of 2022

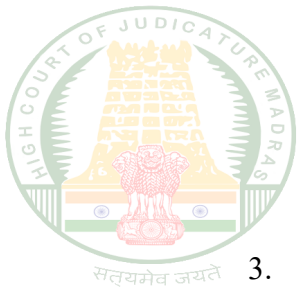
1. Mrs.P.Sankari
W/o Paneer Selvam (Late),
No.18, New Natarajapuram,
Aminjikarai, Chennai-29
2. Tmt.Ashwini
D/o Paneer Selvam (Late),
No.18, New Natarajapuram,
Aminjikarai, Chennai-29
3. Varshini (Minor)
No.18, New Natarajapuram,
Aminjikarai, Chennai-029

(represented by his mother &
next friend - the first appellant)

...Appellants

Vs

1. The Managing Director,
Tamil Nadu State Transport
Corporation Ltd., Kumbakonam.
2. Mrs.Jayalakshmi, W/o Dhanapal,
Vavvakuttai Street, Kadalur Village,
Cheyyur Taluk, Kancheepuram District.
(died)



CMA.No.2508 of 2022

WEB COPY

3. Mr.Dhanapal, Vavvakuttai Street,
Kadalur Village, Cheyyur Taluk,
Kancheepuram District.

...Respondents

APPEAL under Section 173 of the Motor Vehicles Act, 1988
against the decree and judgment dated 20.9.2021 made in M.C.O.P.
No.5311 of 2018 on the file of Motor Accident claims Tribunal (IV
Small Causes Court), Chennai.

For Appellants:	Mr.K.Varadha Kamaraj
For Respondents:	Mr.C.Senapathi for R1 R2 - died R3 - served & no appearance

JUDGMENT

This appeal has been filed by the appellants - claimants
against the award dated 20.9.2021 made in M.C.O.P.No.5311 of
2018 on the file of Motor Accident claims Tribunal (IV Small Causes
Court), Chennai (for short, the Tribunal below).

2. Heard the learned counsel for the appellants - claimants
and the learned counsel appearing for the first respondent.



CMA.No.2508 of 2022

WEB COPY

3. The first appellant – first claimant is the wife; the second appellant – second claimant is the married daughter; and the third appellant – third claimant is the minor daughter of one Mr.D. Panneer Selvam (since deceased). The parents of the deceased namely respondents 2 and 3 herein were also arrayed as respondents 2 and 3 in the claim petition.

4. The case of the appellants – claimants is as follows:

(i) On 18.5.2018, the said Mr.D.Panneer Selvam was crossing East Coast Road near Vayalur Check Post and at about 6.30 PM, the bus belonging to the first respondent – Transport Corporation was driven in a rash and negligent manner and had knocked down the said Mr.D.Panneer Selvam, as a result of which, he sustained fatal injuries and later, succumbed to the injuries on 23.5.2018. A first information report came to be filed in Crime No.120 of 2018 on the file of Sadras Police Station, Kanchipuram District against the driver of the bus belonging to the first respondent – Transport Corporation. It was under those circumstances, the claim petition came to be filed before the Tribunal below.



CMA.No.2508 of 2022

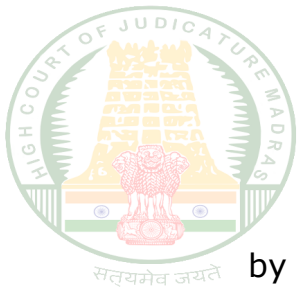
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(ii) The Tribunal below, on considering the facts and circumstances of the case and on appreciation of the oral and documentary evidence, came to the conclusion that the accident took place only due to the rash and negligent driving on the part of the driver of the bus belonging to the first respondent – Transport Corporation.

(iii) Having rendered the above finding, the Tribunal below fixed the total compensation amount of Rs.13,19,000/- under the following heads:

<i>S.No.</i>	<i>Head</i>	<i>Amount</i>
1	<i>Loss of dependency</i>	<i>Rs.10,89,000/-</i>
2	<i>Loss of consortium</i>	<i>Rs. 40,000/-</i>
3	<i>Loss of estate</i>	<i>Rs. 15,000/-</i>
4	<i>Funeral expenses</i>	<i>Rs. 15,000/-</i>
5	<i>Loss of love & affection</i>	<i>Rs. 1,50,000/-</i>
6	<i>Transportation expenses</i>	<i>Rs. 5,000/-</i>
7	<i>Medical bills & attender charges</i>	<i>Rs. 5,000/-</i>
	<i>Total</i>	<i>Rs.13,19,000/-</i>

(iv) The above total compensation amount was directed to be paid by the first respondent – Transport Corporation to both the appellants as well as the parents of the deceased – respondents 2 and 3 herein together with interest at the rate of 7.5% per annum from the date of claim petition till the date of realization. Aggrieved



CMA.No.2508 of 2022

WEB COPY

by that, the appellants – claimants have filed this appeal seeking for enhancement of compensation.

5. The bone of contention is regarding the notional monthly income that was fixed by the Tribunal below while calculating the compensation under the head 'loss of dependency'.

6. The said contention of the learned counsel appearing for the appellants – claimants merits acceptance. The said Mr.D.Panneer Selvam was aged 53 years at the time of accident and the accident had taken place in 2018. He left behind him his wife, two daughters and parents. In view of the same, this Court is inclined to fix the notional monthly income at Rs.16,500/-. Consequently, the compensation under the head 'loss of dependency' is calculated as follows:

"Rs.16,500/- X 12 = Rs.1,98,000/-;

*After adding 10% future prospects to it,
the amount would come to Rs.2,17,800/-;*

*1/4th deduction towards personal
expenses would come to Rs.1,63,350/-
(Rs.2,17,800/- **minus** Rs.54,450/-);*

After applying multiplier 11, the amount



CMA.No.2508 of 2022

arrived at is Rs.17,96,850/-."

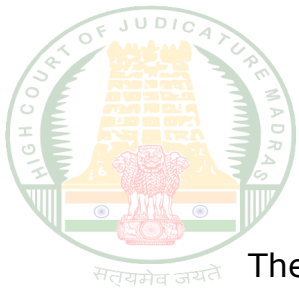
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7. The Tribunal fixed a sum of Rs.40,000/- under the head loss of consortium and Rs.1,50,000/- under the head 'loss of love and affection'. Instead, this Court is inclined to consolidate the same and fix a sum of Rs.2,00,000/- under the head 'loss of consortium'.

8. The compensation that has been fixed under the other heads is found to be just and reasonable.

9. In the light of the above discussions, the above civil miscellaneous appeal is partly allowed and the award dated 20.9.2021 in MCOP.No.5311 of 2018 on the file of the Tribunal below stands modified as follows:

S.No	Head	Amount awarded by the Tribunal below	Amount awarded by this Court in this appeal
1	Loss of dependency	Rs.10,89,000/-	Rs.17,96,850/-
2	Loss of consortium	Rs. 40,000/-	Rs. 2,00,000/- (Rs.40,000/- X 5)
3	Loss of estate	Rs. 15,000/-	Rs. 15,000/-
4	Funeral expenses	Rs. 15,000/-	Rs. 15,000/-
5	Loss of love & affection	Rs. 1,50,000/-	----
6	Transportation expenses	Rs. 5,000/-	Rs. 5,000/-
7	Medical bills & attender charges	Rs. 5,000/-	Rs. 5,000/-
	Total	Rs.13,19,000/-	Rs.20,36,850/-



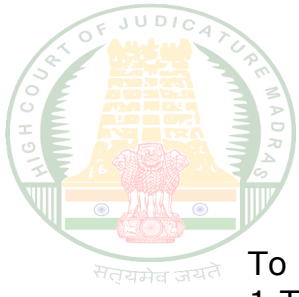
CMA.No.2508 of 2022

WEB COPY

The above total compensation amount of Rs.20,36,850/- as awarded by this Court in this appeal shall be deposited by the first respondent – Transport Corporation **less the amount already deposited** together with accrued interest at the rate of 7.5% per annum from the date of claim petition till the date of realization within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit, since, by now, the third appellant – third claimant would be a major, the appellants – claimants are entitled to withdraw their portion of the shares as fixed by the Tribunal below along with accrued interest. It is made clear that the third respondent, who is none other than the father of the deceased – Mr.D.Panneer Selvam, for himself and on behalf of his wife - the second respondent herein (since deceased), is entitled to withdraw their shares as per the proportion fixed by the Tribunal below along with accrued interest. The guidelines issued by the Division Bench of this Court in CMA.No.2064 of 2026 dated 08.7.2026 shall be strictly complied with respect to disbursement of the compensation amount to the claimants. No costs.

27-07-2026

Page 7 of 9



CMA.No.2508 of 2022

WEB COPY

To

1.The Motor Accident claims Tribunal
(IV Small Causes Court), Chennai.

2.The Managing Director,
Tamil Nadu State Transport
Corporation Ltd., Kumbakonam.

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CMA.No.2508 of 2022

N.ANAND VENKATESH,J

RS

CMA.No.2508 of 2022

27-07-2026

Page9 of 9