



C.M.A.No.1811 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2026

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

C.M.A.No.1811 of 2026

1. Indira

2. C.Venkatesan

... Appellants

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
No.3/137, Salamedu,
Vazhuthareddy Post,
Villupuram – 605 602.

... Respondent

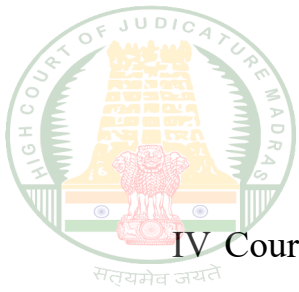
PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to enhance and to set aside the award against the order dated 12.10.2023 made in MACTOP No.6068 of 2017 on the file of the Motor Accidents Claims Tribunal, (in the IV Court of Small Causes), Chennai.

For Appellants : Mr.A.G.F.Terry Chella Raja

For Respondent : Mr.S.S.Santhosa Kumar

JUDGMENT

This civil miscellaneous appeal has been filed by the appellants/claimants challenging the award passed by the learned IV Judge,



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IV Court of Small Causes, Motor Accidents Claims Tribunal, Chennai. in

MCOP No. 6068 of 2017 dated 12.10.2023 wherein the claimants are seeking enhancement of compensation fixed by the Tribunal.

2. The appellants are the parents of the deceased, Chandru. The case of the claimants is that on 03.08.2017, the deceased, who was 17 years old and a first year ITI student, was riding a two wheeler on the Idaiyamputhur to Anambakkam road and at about 7.00 a.m., near Nerkundram, the offending vehicle belonging to the respondent/Transport Corporation, was driven in a rash and negligent manner and dashed on the two wheeler of the deceased. As a result, the deceased fell down, sustained fatal injuries and succumbed to injuries on 04.08.2017. 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 offending bus. Having rendered the above finding, the Tribunal proceeded to fix the total compensation at Rs.14,87,300/- under various heads as follows:



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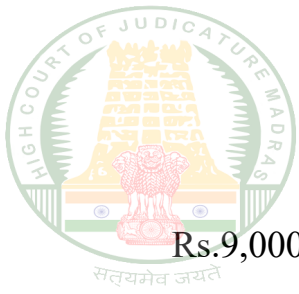
Sl.No.	Heads	Compensation awarded by the Tribunal (in Rs.)
1.	Loss of Dependency	13,60,800
2.	Loss of Consortium	88,000
3.	Loss of Estate	16,500
4.	Funeral expenses	16,500
5.	Transportation expenses	5,500
Total		14,87,300

The compensation was directed to be paid by the respondent/Transport Corporation along with interest at the rate of 7.5% per annum. Aggrieved by the same, the claimants have filed the present appeal seeking enhancement of compensation.

4. Heard Mr.A.G.F.Terry Chella Raja, learned counsel for the appellants/claimants and Mr.S.S.Santhosa Kumar, learned counsel for the respondent/Transport Corporation.

5. This Court also carefully considered the materials available on record and went through the award passed by the Tribunal.

6. The bone of contention is with regard to the notional monthly income of the deceased, which was fixed by the Tribunal at the rate of



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Rs.9,000/-. In the case in hand, the accident took place in the year 2017 and

the deceased was a 17 year old boy and a first year ITI student. Obviously,

the deceased would not have had a driving licence for riding a two wheeler.

In any case, the Tribunal did not consider this aspect or fix any contributory

negligence. Therefore, this Court does not want to go into that issue.

However, while fixing the notional monthly income, this aspect is also taken

into consideration and this Court is inclined to fix the notional monthly

income of the deceased at Rs.13,500/-.

7. Accordingly, the compensation under the head 'loss of dependency' is calculated as follows:

Monthly Income	:	Rs. 13,500/-
Add:40% future prospects	:	Rs. 5,400/-

		Rs. 18,900/-
Less: Personal expenses (1/2)	:	Rs. 9,450/-

		Rs. 9,450/-
		x 12

Annual income	:	Rs. 1,13,400/-
Multiplier	:	x 18

Loss of Dependency	:	Rs.20,41,200/-



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8. Insofar as the compensation fixed by the Tribunal under the other heads is concerned, this Court finds that the same is just and fair and does not require any interference.

9. In the light of the above discussion, this Court modifies the compensation in the following manner:

<i>Sl.No.</i>	<i>Heads</i>	<i>Awarded by the Tribunal (in Rs.)</i>	<i>Modified by this Court (in Rs.)</i>
1.	Loss of Dependency	13,60,800	20,41,200
2.	Loss of Consortium	88,000	88,000
3.	Loss of Estate	16,500	16,500
4.	Funeral expenses	16,500	16,500
5.	Transportation expenses	5,500	5,500
Total		14,87,300	21,67,700

10. The compensation awarded by the Tribunal at Rs.14,87,300/- is enhanced to Rs.21,67,700/-. The respondent/Transport Corporation is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition



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till the date of deposit within a period of six (6) weeks from the date of receipt of this judgment. Insofar as the enhanced compensation is concerned, the appellants/claimants will not be entitled for interest for the period of delay of 367 days as was ordered by this Court in C.M.P.No.15190 of 2025 in C.M.A.Sr.No.97186 of 2025 dated 08.06.2026. 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.

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

09.07.2026

Neutral Citation: Yes/No
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To

1. The IV Judge,
IV Court of Small Causes,
Motor Accidents Claims Tribunal,
Chennai District.
2. The Section Officer,
VR Section,
High Court of Madras.

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N. ANAND VENKATESH, J.

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