



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.640 of 2024

- 1.Thamaraiselvi
- 2.Minor.Harish
3. Minor. Monisha
- 4.Vasanthi
- 5.Kesavan
- 6.Dhanalakshmi

..Appellants

.VS.

- 1.P.Manthiramoorathi

2.The Managing Director,
Tamil Nadu State Transport Corporation Ltd,
(Madurai Division II) No.2, Trivandrum Road,
Tirunelveli 627 003.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, to set aside the order made in MCOP.No.28 of 2017, on the file of the Motor Accident Claims Tribunal cum Special District Judge, Erode.

For Appellants : Mr.C.Kulanthaivel

For Respondents : Mr.S.S.Santhosa Kumar for R2



JUDGMENT

WEB COPY This appeal has been filed against the Award passed by the MACT, Special District Judge, Erode in MCOP No.28 of 2017 dated 28.11.2017, wherein, the claimants are seeking for enhancement of compensation.

2.The claimants are the wife, two minor children, parents and sister of the deceased Mariyappan.

3.The case of the claimants is that the deceased Mariyappan was riding a two wheeler along with a pillion rider. At that point of time, the bus belonging to the 2nd respondent Corporation was driver by its driver in a rash and negligent manner and dashed against the two wheeler of the deceased, as a result of which, the deceased sustained grievous injuries and succumbed to the injuries. It is under these circumstances, the claim petition came to be filed before the Tribunal.

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.



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5.The Tribunal having rendered the above finding, proceeded to fix the total compensation at Rs.13,06,600/- under various heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of earning power	12,09,600
Funeral Expenses	15,000
Loss of Consortium	40,000
Pain and suffering, Mental agony and shock	--
Loss of Love and Affection	20,000
Transport to Hospital	5,000
Damages to clothing and articles	2,000
Loss of estate	15,000
Total	13,06,600

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

7.Aggrieved by the same, the present appeal has been filed before this Court seeking for enhancement of compensation.

8.Heard the learned counsel for the appellants and the learned counsel appearing on behalf of the respondents.



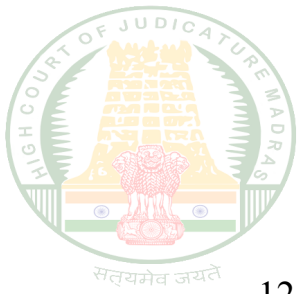
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9.This Court has carefully considered the submissions made on either side and also the materials available on record and this Court has gone through the Award passed by the Tribunal.

10.In the case in hand, the accident had taken place in the year 2016 and the claimants are the wife, two minor children, parents and sister of the deceased. The employer of the deceased was also examined as PW4 and he stated that the deceased was earning a sum of Rs.15,000/- per month. Considering the same, this Court is inclined to fix the notional monthly income at Rs.15,000/- per month.

11.In the light of the above, the compensation under the head of loss of dependency is calculated as follows:

Monthly Income	:	Rs.15,000/-
Add:40% Future Prospects	:	<u>Rs. 6,000/-</u>
		Rs.21,000/-
Less: Personal expenses (1/4):		<u>Rs.5,250/-</u>
(Rs.21,000/- - Rs.5,250)	:	Rs.15,750/-
		<u> x 12</u>
Annual Income	:	Rs.1,89,000
Multiplier	:	<u> x 16</u>
Loss of Dependency	:	<u>Rs.30,24,000</u>



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12.The Tribunal has fixed a sum of Rs.40,000/- under the head of loss of consortium and a sum of Rs.20,000/- under the head of loss of love and affection. This Court is inclined to consolidate both these heads under the head of loss of consortium and fix the compensation at Rs.2,00,000/- (Rs.40,000 x 5). The compensation that has been fixed under the other heads are just and fair and does not require the interference of this Court.

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

Compensation awarded under the head	Amount (in Rs.)
Loss of Dependency	30,24,000
Funeral Expenses	15,000
Loss of Consortium	2,00,000
Transport to Hospital	5,000
Damages to clothing and articles	2,000
Loss of estate	15,000
Total	32,61,000

14.The compensation awarded by the tribunal at Rs.13,06,600/- is enhanced to Rs.32,61,000/-. The second respondent/Transport Corporation is



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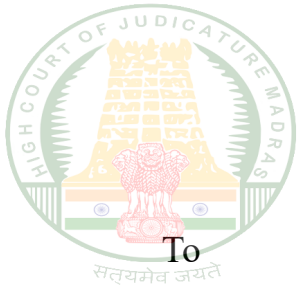
directed to deposit the enhanced compensation of Rs.32,61,000/-, less the amount already deposited, together with interest at the rate of 7.5% p.a. from the date of claim petition till the date of deposit within a period of four weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.19,54,400/- is concerned, the appellants/claimants will not be entitled for interest for the period of delay of 2111 days as was ordered by this Court in C.M.P.No.70 of 2024, dated 29.02.2024. 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.

15.This Civil Miscellaneous Appeal is partly allowed in the above terms.

No Costs.

08.07.2026

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



To

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The Motor Accident Claims Tribunal cum Special District Judge, Erode.



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N. ANAND VENKATESH., J

SSR

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