



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**CMA No. 3583 of 2025 and CMA No. 1969 of 2026
CMP NO. 15344 OF 2026**

CMA No. 3583 of 2025

1. Nageshwari,
W/o. Barathi

2. Amutha,
W/o. Pandurangan

3. R. Pandurangan,
S/o. Rathinavel

..Appellant(s)

.Vs.

The Managing Director,
Metropolitan Transport Corporation,
Pallavan House, Pallavan Salai,
Chennai-600 002.

..Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, To Enhance the amount awarded in M.C.O.P. No. 5895 of 2019 dt. 03.04.2025 on the file of the Motor Accidents Claims Tribunal (Chief Judge, Court of Small Causes) Chennai.

For Appellant(s): Mr.K.Varadhakamaraj

For Respondent (s) Mr.Murali Vinodh

**CMA No.1969 of 2026**

The Managing Director
Metropolitan Transport Corporation
Ltd., No.2, Pallavan House,
Pallavan Salai, Chennai 2.

Appellant(s)

Vs

1. Nageshwari
W/o. Barathi

2. Amutha
W/o. Pandurangan

3. R. Pandurangan
S/o. Rathinavel

Respondent(s)

PRAYER

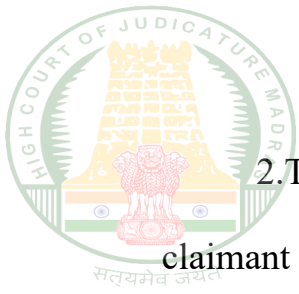
Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, To set aside the Award dated 03.04.2025 made in M.C.O.P. No.5895 of 2019 on the file of the Motor Accident Claims Tribunal, Chief Judge Court of Small Causes, Chennai.

For Appellant(s): Mr. Murali Vinodh

For Respondent(s): Mr. K. Varadhakamaraj

COMMON JUDGMENT

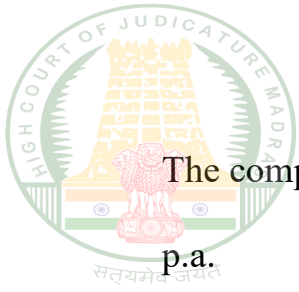
These appeals have been filed both by the Transport Corporation as well as the claimants against the award passed by the Motor Accidents Claims Tribunal (Chief Judge, Court of Small Causes), Chennai in MCOP No.5895 of 2019 dated 03.04.2025.



2. The 1st claimant is the wife, the 2nd claimant is the mother and the 3rd claimant is the father of the deceased Mr. Barathi. The case of the claimants is that the deceased was working inside the MTC Depot on 28.07.2019 and at about 00.45 hours, the MTC bus bearing registration No. TN 01 N4582 was driven in a rash and negligent manner and it dashed against the rest room wall. The wall fell on the deceased and due to its impact, the deceased sustained grievous injuries and died on the way to the hospital. It is under these circumstances, the claim petitions came to be filed before the Tribunal.

3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of 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 MTC bus. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.47,90,357/- under the following heads:

<i>Sl.No</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Towards Loss of Income/Dependency Rs.4,34,096 x 16 x 2/3	46,30,357/-
2.	Towards Loss of Estate	15,000/-
3.	Towards Loss of Consortium Rs.40,000/- (each) x 3	1,20,000/-
4.	Towards Funeral Expenses	15,000/-
5.	Towards Transportation charges including damages to personal belongings	10,000/-
	Compensation Payable	47,90,357/-
	Rounded off to =	Rs.47,90,400/-



The compensation was directed to be paid along with interest at the rate of 7.5% p.a.

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4. Aggrieved by the award passed by the Tribunal, the claimants have filed the present appeal on the ground that the Tribunal had erroneously deducted income tax from the amount determined towards future prospects, which requires interference of this Court. The Transport Corporation has filed the appeal on the ground that the claimants had parallelly filed a petition under the Workmen Compensation Act and the compensation was determined by the Joint Commissioner of Labour through proceedings dated 28.06.2021 in E.C.No.22 of 2021 and therefore the claimants have to make a choice between the compensation granted under the Motor Vehicles Act and the compensation granted under the Workmen Compensation Act and they will not be entitled for compensation under both the enactments.

5. This Court has carefully considered the submission made on either side and the materials available on record. This Court has also gone through the award passed by the Tribunal.

6. Insofar as the grievance expressed by the claimants is concerned, it is seen that the Tribunal, after determining the monthly income of the deceased added 50% towards the future prospects and the total annual income was



arrived at Rs.4,46,832/-. The Tribunal proceeded to deduct the income tax and professional tax and after deducting the same, the annual income was fixed at Rs.4,36,096/-.

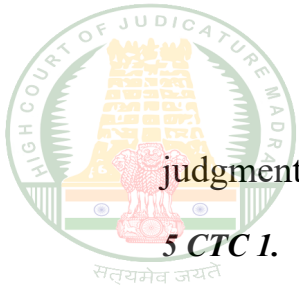
7.In the considered view of this Court, such deduction of income tax is not sustainable and useful reference can be made to the judgment of this Court in CMA(MD).No.426 of 2026 dated 30.03.2026.

8.In view of the above, the deduction made by the Tribunal towards income tax and professional tax is set aside and therefore the total annual income of the deceased is fixed at Rs.4,46,832/-. As a consequence, the compensation fixed under the head of 'loss of dependency' is calculated as follows:

$$\text{Rs.4,46,832/-} \times 16 \times \frac{2}{3} = \text{Rs.47,66,208/-}$$

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

9.Insofar as the grievance expressed by the Transport Corporation is concerned, the claimants cannot claim compensation under both the Workmen Compensation Act and Motor Vehicles Act. They have to necessarily elect their claim under either of these enactments. Useful reference can be made to the



judgment in *National Insurance Co. Ltd., .Vs. Bakkiam and others* reported in (2017)
5 CTC 1.

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10.In view of the above, the award passed in E.C.No.22 of 2021 dated 28.06.2021, by the Joint Commissioner of Labour is given up by the claimants. Therefore, whatever amount was deposited by the Transport Corporation under the Workmen Compensation Act, shall be permitted to be withdrawn by the Transport Corporation along with the accrued interest.

11.The compensation modified by this Court in the present appeal shall be deposited by the Transport Corporation along with the accrued interest within a period of six weeks from the date of receipt of a copy of this judgment.

12.In the result, both the Civil Miscellaneous Appeals are partly allowed.

No costs.

09-07-2026

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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To
The Motor Accidents Claims Tribunal
(Chief Judge, Court of Small Causes) Chennai.



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N.ANAND VENKATESH J.

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