



C.M.A.No.2307 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2026

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

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1. P.Sasikala
2. P.Abinesh
3. P.Vignesh
4. P.Anupriya
P.Rajabai (Died)
5. N.Panchanathan

(Minor Petitioners 2 to 4 were declared as Major through order passed in M.P.No.1/22 to 6/22 dated 23.02.2022)

... Appellants

Vs.

The Managing Director,
State Express Transport Corporation Limited,
Pallavan Salai, Chennai – 2

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to allow the appeal and to enhance the compensation in MCOP No.7173 of 2017 dated 06.10.2023 on the file of the Motor Accidents Claims Tribunal (IV Court of Small Causes Court), Chennai.

For Appellants : Ms.Ramya V. Rao

For Respondent : Mr.S.Santhosa Kumar



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JUDGMENT

This civil miscellaneous appeal has been filed against the award passed by the Motor Accidents Claims Tribunal (IV Court of Small Causes Court), Chennai, in MCOP No.7173 of 2017 dated 06.10.2023, wherein the claimants are seeking enhancement of compensation.

2. The first claimant is the wife, claimants 2 to 4 are the minor children and claimants 5 and 6 are the parents of the deceased, Palani. The case of the claimants is that on 03.09.2015, at about 21.00 hours, when the deceased was waiting for bus near Therkkupattu bus stop, a bus belonging to the respondent Transport Corporation was driven in a rash and negligent manner and dashed against him. As a result, the deceased sustained fatal injuries and succumbed to injuries. Consequently, a First Information Report came to be registered in Crime No.332 of 2015 against the driver of the offending vehicle. 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



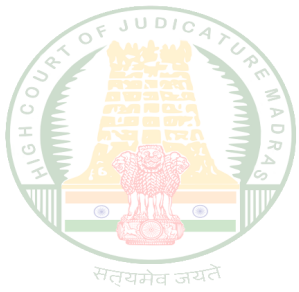
conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending bus belonging to the respondent/Transport Corporation.

4. Having rendered the above finding, the Tribunal proceeded to fix the total compensation at Rs.23,37,500/- under various heads as follows:

<i>S.No.</i>	<i>Heads</i>	<i>Compensation awarded by the Tribunal (in Rs.)</i>
1.	Loss of Dependency	20,79,000
2.	Loss of Consortium	2,20,000
3.	Loss of Estate	16,500
4.	Funeral Expenses	16,500
5.	Transportation Expenses	5,500
Total		23,37,500

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.

5. Heard Ms.Ramya Rao, learned counsel for the appellants/claimants and Mr.S.Santhosa Kumar, learned counsel for the respondent/Transport Corporation.



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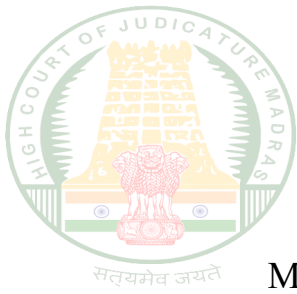
6. This Court, carefully considered the materials available on record and also went through the award passed by the Tribunal.

7. The bone of contention is with regard to the compensation fixed by the Tribunal under the head 'Loss of Dependency' which was determined by fixing the notional monthly income of the deceased at Rs.11,000/-.

8. The deceased in this case was said to be a fisherman and it has been established by marking Ex.P6, which is the Fisherman ID card. The age of the deceased as per the postmortem certificate was 40 years. The deceased had left behind his wife, three minor children and his parents. During the pendency of the claim petition, the mother of the deceased died and the minor children attained majority. The Tribunal had fixed the notional monthly income of the deceased at Rs.11,000/-, which is clearly on the lower side. Hence, this Court is inclined to fix the notional monthly income of the deceased at Rs.13,500/-. Considering the age of the deceased, 25% must be added towards future prospects.

9. Accordingly, the compensation under the head 'Loss of Dependency' is calculated as follows:

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Monthly Income	:	Rs. 13,500.00/-
Add:40% future prospects	:	Rs. 3,375.00/-

		Rs. 16,875.00/-
Less: Personal expenses (1/4)	:	Rs. 4,218.75/-

		Rs. 12,656.25/-
		x 12

Annual income	:	Rs. 1,51,875.00/-
Multiplier	:	x 15

Loss of Dependency	:	Rs. 22,78,125.00/-

10. The Tribunal has fixed a sum of Rs.2,20,000/- under the head 'Loss of Consortium' and the same is reduced to a sum of Rs.2,00,000/-. Similarly, the compensation fixed at Rs.16,500/- each under the heads 'Loss of Estate' and 'Funeral Expenses' is reduced to Rs.15,000/- each.

11. Insofar as the compensation under the head 'Transportation Expenses' is concerned, this Court is inclined to enhance the same to a sum of Rs.10,000/-.

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

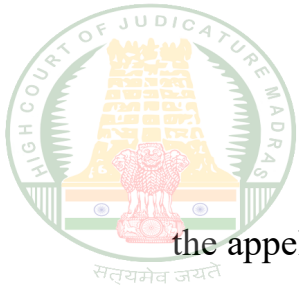


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<i>Sl.No.</i>	<i>Heads</i>	<i>Awarded by the Tribunal (in Rs.)</i>	<i>Modified by this Court (in Rs.)</i>
1.	Loss of Dependency	20,79,000	22,78,125
2.	Loss of Consortium	2,20,000	2,00,000
3.	Loss of Estate	16,500	15,000
4.	Funeral Expenses	16,500	15,000
5.	Transportation Expenses	5,500	10,000
Total		23,37,500	25,18,125
Rounded off			25,18,130

13. The compensation awarded by the Tribunal is enhanced to **Rs.25,18,130/-**. 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 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 383 days as was ordered by this Court in C.M.P.No.5516 of 2026 in C.M.A.Sr.No.189761 of 2025 dated 02.07.2026. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by



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the appellants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

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

27.07.2026

Neutral Citation: Yes/No
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To

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



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N. ANAND VENKATESH, J.

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