

C.M.A.(MD)Nos.818 and 848 of 2026

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Reserved on : 10.07.2026

Pronounced on : 17.07.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.M.A.(MD)Nos.818 and 848 of 2026

&

C.M.P.(MD)No.8260 of 2026

C.M.A.(MD)No.818 of 2026

The Managing Director,
Tamil Nadu Transport Corporation Ltd.,
Pudukkottai Branch.

... Appellant/
Respondent

Vs.

1.Aatchippon

2.Minor.Sornambika

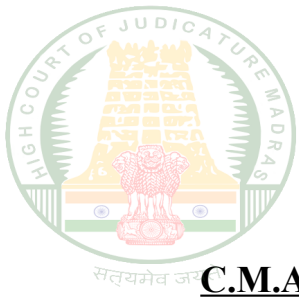
3.Minor.Poovika

4.Minor.Dhilippan

*(minor respondents 2 to 4 represented by their
Guardian / Mother, the 1st respondent)*

5.Vijayam

... Respondents/
Petitioners



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1.Aatchippon

2.Minor.Sornambika

3.Minor.Poovika

4.Minor.Dhilippan

*(petitioners 2 to 4 represented by their
Guardian / Mother - 1st petitioner)*

5.Vijayam

... Appellants/
Petitioners

Vs.

The Managing Director,
Tamil Nadu Transport Corporation Ltd.,
Pudukkottai District.

... Respondent/
Respondent

Prayer in C.M.A.(MD)No.818 of 2026 : This Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the order made in M.C.O.P.No.261 of 2023 dated 14.02.2025 on the file of the Motor Accident Claims Tribunal Subordinate Judge, Keeranaur and allow the appeal with costs.

Prayer in C.M.A.(MD)No.848 of 2026 : This Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the award amount by allowing the civil miscellaneous appeal against the order dated 14.02.2025 in M.C.O.P.No.261 of 2023 on the file of the Motor Accident Claims Tribunal (Sub Court), Keeranur.



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(in C.M.A.(MD)No.818 of 2026)

For Appellant : Mr.S.Micheal Heldon Kumar

For Respondents : Mr.P.Ganapathi Subramanian

(in C.M.A.(MD)No.848 of 2026)

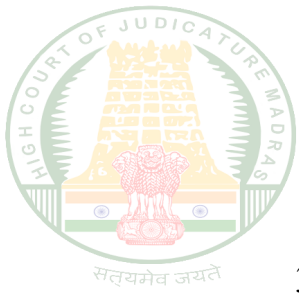
For Appellants : Mr.P.Ganapathi Subramanian

For Respondent : Mr.S.Micheal Heldon Kumar

COMMON JUDGMENT

These Civil Miscellaneous Appeals are directed against the award made in M.C.O.P.No.261 of 2023 dated 14.02.2025 on the file of the Motor Accident Claims Tribunal / Subordinate Court, Keeranur.

2. In C.M.A.(MD)No.818 of 2026, the appellant / Transport Corporation, who was mulcted with liability to pay compensation of Rs.28,96,800/- (Rupees Twenty Eight Lakhs Ninety Six Thousand and Eight Hundred only) with interest and costs payable to the respondents / claimants, for the death of Nallusamy, consequent to an accident occurred on 29.06.2022, challenged the liability mulcted on it.



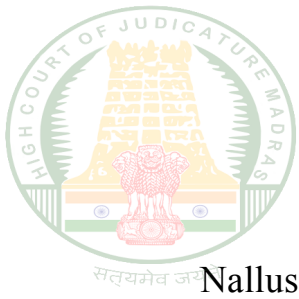
C.M.A.(MD)Nos.818 and 848 of 2026

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3. In C.M.A.(MD)No.848 of 2026, the appellants / claimants, who were awarded with compensation of Rs.28,96,800/- (Rupees Twenty Eight Lakhs Ninety Six Thousand and Eight Hundred only) with interest and costs payable by the respondent / Transport Corporation, for the death of Nallusamy, consequent to an accident occurred on 29.06.2022, challenged the quantum of compensation awarded at, by the Tribunal and claimed enhancement of the same.

4. For the sake of convenience and brevity, the parties herein after will be referred to as per their status / ranking in the Tribunal.

5. The case of the claimants is that on 29.06.2022 at about 05.30 p.m., the deceased Nallusamy was proceeding in his Kawasaki Boxer two wheeler bearing Registration No.TN-33-B-0604 for repairing his sewing machine and at the place near Melapuduvayal Division road, Mookambikai College, Trichy to Pudukkottai National Highway, a bus bearing Registration No.TN-55-N-1105 belonging to the respondent, which came in the opposite direction, in a rash and negligent manner, dashed against the two wheeler and as a result of which, the said



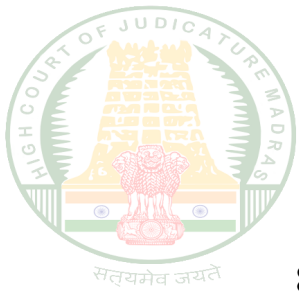
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Nallusamy sustained multiple injuries and died on the spot and that the accident occurred only due to the rash and negligent driving of the bus driver.

6. The defence of the respondent is that on 29.06.2022, when their bus bearing Registration No.TN-55-N-1105 was proceeding towards Pudukkottai and at the place near Mookambikai College, a two wheeler bearing Registration No.TN-33-B-0604, which came in the opposite direction, in a rash and negligent manner, crossed the middle of the road and on noticing the same, the bus driver drove the vehicle to the extreme left side of the road and stopped the bus but the two wheeler rider unable to control his speed dashed against the bus and invited the accident and that therefore, the respondent's bus driver was not at fault.

7. During trial, the claimants examined the first claimant as P.W.1 and one Muthukkumar occurrence witness as P.W.2 and exhibited 6 documents as Ex.P1 to Ex.P6. The respondent examined their driver as R.W.1 and adduced no documentary evidence.



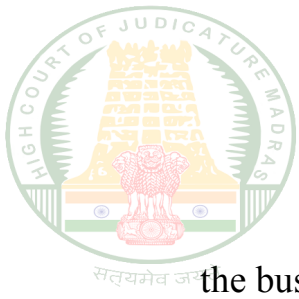
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8. It is pertinent to note that on the basis of the complaint lodged, FIR came to be registered in Crime No.200 of 2022 on the file of Keeranur Police Station under Sections 279 and 304A IPC against the bus driver.

9. As already pointed out, the claimants examined P.W.2, the occurrence witness, who deposed about the manner of the accident, reiterating the averments made in the claim petition. P.W.2 has categorically deposed that the bus driver drove the bus in a rash and negligent manner and dashed against the motorcycle ridden by the deceased / claimant.

10. No doubt, as already pointed out, the respondent examined the driver of the bus as R.W.1, who, in turn, reiterated the averments made in the counter statement. R.W.1 has admitted that a criminal case was registered against him in connection with the accident. It is not the case of either R.W.1 or the respondent Corporation that they had lodged any complaint before the higher police authorities alleging that a false case had been foisted against R.W.1 or initiated any other legal proceedings in that regard. The respondent has also not chosen to examine the conductor of



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the bus or any other person who had allegedly witnessed the occurrence.

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11. The Tribunal has rightly observed that the respondent has not adduced any contra evidence with regard to the manner of the accident or the aspect of negligence. Upon considering the oral and documentary evidence available on record, the Tribunal has rightly concluded that the accident occurred solely due to the rash and negligent driving of the driver of the respondent's bus, and the said finding cannot be found fault with.

12. Now turning to the appeal filed by the claimants, claiming enhancement of the compensation, the learned counsel appearing for the claimants would submit that the deceased was a tailor and was getting monthly income at Rs.25,000/- per month, but the Tribunal, without considering the evidence, has fixed the notional monthly income at Rs.14,110/-. He would further submit that the claimants produced the sewing training certificate of the deceased and even in the FIR, it has been alleged that the deceased was proceeding towards Keeranur only to repair his tailoring machine.



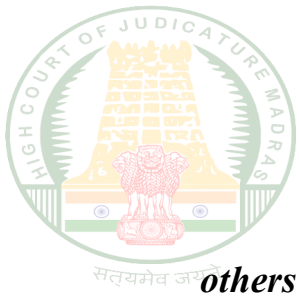
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13. As rightly observed by the learned trial Judge, the claimants have not produced any material to prove the income of the deceased. In the absence of any proof for the income, the Tribunal, following the decision of the Division Bench of this Court in *Andal and others Vs. Avinav Kannan and another* reported in **2019 (1) TN MAC 54**, proceeded to fix the notional monthly income and the said approach cannot be found fault with. But the Tribunal adopted the cost inflation index for the financial year 2018-2019, whereas, admittedly, the accident occurred on 29.06.2022 and therefore, the appropriate financial year to be taken into account is 2022-2023, for which, the cost inflation index is 331. Hence, the notional monthly income of the deceased is re-fixed at Rs.16,678/- (Rs.6,500/- x 331 / 129).

14. The Tribunal, considering the postmortem certificate under Ex.P2, has determined the age of the deceased as 39 years at the time of accident and the same was not disputed by the respondent.

15. The Tribunal, relying on the decision of the Hon'ble Supreme Court in *National Insurance Company Limited Vs. Pranay Sethi and*



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others passed in **SLP (civil) 25590/2014 dated 31.10.2017**, has rightly added 40% of the income towards future prospects and on such addition, it comes to Rs.23,349/- (Rs.16,678/- + Rs.6,671/- (40% of the income)). Considering the number of dependants, the Tribunal has rightly deducted 1/4th of the income towards personal and living expenses and on such deduction, it comes to Rs.17,512/- {Rs.23,349/- - Rs.5,837/-}. The Tribunal, applying the dictum laid down by the Hon'ble Supreme Court in ***Sarla Verma and others Vs. Delhi Transport Corporation and another*** reported in **(2009) 4 MLJ (SC) 997**, has rightly applied multiplier 15. Hence, the compensation towards loss of dependency is re-assessed at Rs.31,52,160/- (Rs.17,512/- x 15 x 12).

16. The Tribunal has awarded Rs.40,000/- each to the claimants towards loss of consortium, Rs.15,000/- for funeral expenses and Rs.15,000/- for loss of estate under the conventional heads.

17. The learned counsel appearing for the claimants would submit that the Tribunal ought to have considered a 20% increase in the amounts awarded under the conventional heads.

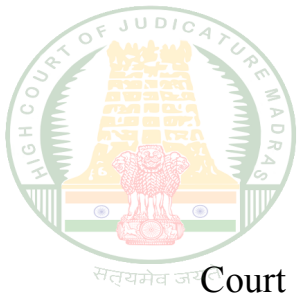


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18. As per the law laid down by the Hon'ble Supreme Court in **Pranay Sethi's** case, the compensation amount fixed under the heads of loss of consortium, loss of estate and funeral expenses should be enhanced at 10% once in three years from the date of judgment (i.e. 31.10.2017). In the case on hand, the accident had occurred on 29.06.2022 and hence, the claimants are entitled to get Rs.44,000/- each towards loss of consortium and the claimants are also entitled to get Rs.16,500/- towards funeral expenses and Rs.16,500/- towards loss of estate. Accordingly, the compensation awarded by the Tribunal is modified as follows:-

S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted or reduced
1.	Loss of dependency	26,66,750	31,52,160	Enhanced
2.	Loss of consortium	2,00,000	2,20,000	Enhanced
3.	Loss of estate	15,000	16,500	Enhanced
4.	Funeral expenses	15,000	16,500	Enhanced
	Total	28,96,750 rounded off 28,96,800	34,05,160	Enhanced by Rs.5,08,360/-

19. Considering the other facts and circumstances of the case, this



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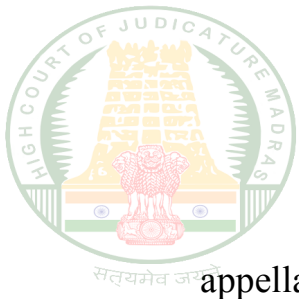
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costs.

Court further decides that the parties are to be directed to bear their own costs.

20. In the result,

(i) C.M.A.(MD)No.818 of 2026 stands dismissed;

(ii) C.M.A.(MD)No.848 of 2026 stands partly allowed and the compensation awarded by the Tribunal at Rs.28,96,800/- (Rupees Twenty Eight Lakhs Ninety Six Thousand and Eight Hundred only) is hereby enhanced to **Rs.34,05,160/- (Rupees Thirty Four Lakhs Five Thousand One Hundred and Sixty only)** together with interest and costs. The respondent / Transport Corporation is directed to deposit the modified enhanced amount with interest from the date of petition till the date of realization excluding the default period, if any, to the credit of M.C.O.P.No.261 of 2023 on the file of the Motor Accident Claims Tribunal / Subordinate Court, Keeranur, after deducting the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this judgment. Out of the compensation amount, the first appellant / first claimant is entitled to get **Rs.17,05,160/- (Rupees Seventeen Lakhs Five Thousand One Hundred and Sixty only)**, the



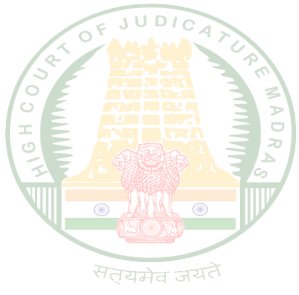
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appellants 2 to 4 / claimants 2 to 4 are entitled to get **Rs.4,00,000/- (Rupees Four Lakhs only) each** and the fifth appellant / fifth claimant is entitled to get **Rs.5,00,000/- (Rupees Five Lakhs only)**. On such deposit being made, The appellants 1 and 5 / claimants 1 and 5 are permitted to withdraw their shares as per apportionment fixed by this Court along with interest and costs and the share of the minor appellants 2 to 4 / claimants 2 to 4 shall be deposited in any one of the Nationalised Banks till they attain majority. The first appellant / first claimant, who is the mother of the minor appellants 2 to 4 / claimants 2 to 4, is permitted to withdraw the interest of minors once in three months directly from the Bank. The appellants / claimants are **directed to pay the court fee** for the enhanced compensation, if any, and the Registry is directed to draft the decree only after the payment of Court fee. Consequently, connected Miscellaneous Petition is closed. The parties shall bear their own costs.

17.07.2026

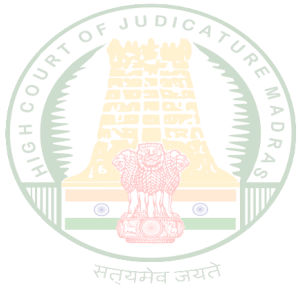
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- 1.The Subordinate Judge,
Motor Accident Claims Tribunal,
Keeranur.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Pre-Delivery Common Judgment made in

C.M.A.(MD)Nos.818 and 848 of 2026

&

C.M.P.(MD)No.8260 of 2026

Dated : 17.07.2026