



C.M.A.No.1714 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 14.06.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

C.M.A.No.1714 of 2023

1.Subramanian

2.Soundararajan

3.Ilayaraja

4.Uma Makeswari

.. Appellants

Vs.

1.The State Express Transport Corporation – (SETC),
Represented by its Managing Director,
Pallavan House, Chennai – 600 002.

2.The Tamil Nadu State Transport Corporation Limited – (TNSTC),
Having Head Office at
Thiruvalluvar House, Pallavan Salai,
Chennai – 600 002.

3.The Proprietor,
Aviation Express,
No.142-N, Eldams Road,
Tenampet, Chennai – 600 018.

4.The Iffco Tokio General Insurance Company Limited,
No.128, Iffco Bhavan, III Floor,
T.Nagar, Chennai – 600 017.

.. Respondents



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Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying to allow this appeal and to enhance the amount award in M.C.O.P.No.2859 of 2016 dated 25.01.2023 on the file of the Motor Accident Claim Tribunal, (In the II Small Causes Court) at Chennai.

For Appellants	:	Mr.J.Ravikumar
For R1	:	Mr.A.Karthik for Mr.P.M.Vijayakumar
For R2	:	No appearance
For R3	:	M/s.G.R.Associates
For R4	:	Ms.Vikma.V for Mr.J.Michael Visuvasam

J U D G M E N T

The claimants who are the husband and children of the deceased, not being satisfied with the quantum of compensation awarded by the Tribunal, have filed the present appeal before this Court against the award passed in M.C.O.P.No.2859 of 2016 by the II Judge, Small Causes Court, Motor Accident Claims Tribunal, Chennai, dated 25.01.2023.

2.The case of the claimants is that the deceased Murugeswari was traveling in the bus belonging to the 1st respondent Corporation on



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18.03.2016 from Sengottai to Chennai. The bus was driven in a rash and negligent manner and as a result it ran over the center median and went to the other side of the road and it dashed against the Innova car which was coming from Chennai towards Kallakurichi and it also hit another bus belonging to Tamil Nadu State Transport Corporation coming from Chennai to Kallakurichi. As a result of this serious accident, the deceased sustained grievous injuries and she died on 19.03.2016. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation.

3.The Tribunal on considering the facts and circumstances of the case and on appreciation of the 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 State Express Transport Corporation. Having rendered such a finding, the Tribunal fixed the total compensation of Rs.13,79,000/- under various heads as follows:

1.Loss of Dependency	-	Rs.11,70,000/-
2.Loss of Consortium	-	Rs.1,76,000/-



the Tribunal.

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9.The focus of the submission made by the learned counsel for the appellants touched upon the notional monthly income that was fixed by the Tribunal at Rs.8,000/- per month. The claimants took a stand that the deceased was a Flower Vendor and she was earning not less than Rs.20,000/- per month. There was no evidence before the Tribunal with regard to the avocation of the deceased as well as her income. Therefore, the Tribunal proceeded to fix the notional monthly income of the deceased at Rs.8,000/- per month.

10.Considering the fact that the accident had taken place in the year 2016 and even assuming that the deceased was a Home Maker, this Court is of the considered opinion that the notional monthly income fixed by the Tribunal is on the lower side. Accordingly, this Court is inclined to enhance the notional monthly income of the deceased at Rs.12,000/- per month. 25% is added towards future prospects and thus, the compensation under the head of loss of dependency is calculated as follows:

Monthly income fixed : Rs.12,000/-



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Future prospects to be added	:	25%
Notional Income arrived at	:	Rs.12,000/- + 25%
		Rs.15,000/-
After deducting 1/4 th for personal expenses	:	Rs.11,250/-
Multiplier to be adopted	:	13
Loss of Dependency		
Rs.11,250/- X 12 X 13	:	Rs.17,55,000/-

11.The compensation that has been granted under other heads are reasonable and does not require the interference of this Court. In the light of the above discussions, the compensation awarded by the Tribunal is modified as follows:

1.Loss of Dependency	-	Rs.17,55,000/-
2.Loss of Consortium	-	Rs.1,76,000/-
3.Loss of Estate	-	Rs.16,500/-
4.Funeral Expenses	-	Rs.16,500/-
Total		Rs.19,64,000/-

12.The compensation awarded by the Tribunal at Rs.13,79,000/- is



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hereby enhanced to Rs.19,64,000/-. The 1st respondent 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 four weeks from the date of receipt of this judgment. 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.

13.In the result, the Civil Miscellaneous Appeal is partly allowed in the above terms. No costs.

14.06.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

1.The II Judge,
Motor Accident Claims Tribunal,
Small Causes Court,
Chennai.



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2.The Section Officer,
VR Section,
Madras High Court, Chennai.

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N.ANAND VENKATESH, J.

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