



Civil Miscellaneous Appeal No.1253 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Civil Miscellaneous Appeal No.1253 of 2024

1. A. Sarala
2. Minor Mithun
3. Mrs.Kathuri
4. Mr.Kuppan

... Appellants

Vs.

The Managing Director,
TNSTC (Villupuram) Limited,
No.31/37, Salavedu, Villupuram (TK) – 605 602
Branch Office,
TNSTC (Villupuram) Limited,
Koyambedu, Chennai 600 107

... Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgement and decree in M.C.O.P.No.3921 of 2021 dated 07.03.2023 on the file of Motor Accident Claims Tribunal / II Court of Small Causes, Chennai.

For Appellant : M/s.Ramya V Rao

For Respondents : Mr.S.Sathosa Kumar



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JUDGMENT

The claimants, who are the wife, minor son and parent of the deceased Govindaraj, have filed this appeal, not being satisfied with the quantum of compensation fixed by the Motor Accident Claims Tribunal / II Court of Small Causes Court, Chennai in M.C.O.P.No.3921 of 2021 dated 07.03.2023.

2. The case of the claimants is that the deceased Govindaraj was riding a two wheeler on 21.08.2021 along with the pillion rider in the GST Road and at about 22.15 hours, when the vehicle was crossing Singaperumal Koil and was moving towards Sriperumpudur Junction, the driver of the bus belonging to the Transport Corporation drove the bus in a rash and negligent manner and hit the vehicle. As a result of which, the deceased Govindaraj sustained grievous injuries and he succumbed to the injuries. It is under these circumstances, the claim petition came to be filed seeking for payment of compensation.

3. The Tribunal on considering the facts and circumstances of



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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 respondent corporation. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.18,21,800/- under various heads as follows :-

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of dependency	Rs.16,12,800/-
2.	Loss of Consortium	Rs. 1,76,000/-
3.	Loss of Estate	Rs. 16,500/-
4.	Funeral Expenses	Rs. 16,500/-
	Total	Rs.18,21,800/-

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

4. The claimants not being satisfied with the quantum of compensation fixed by the Tribunal has filed this appeal seeking for enhancement of compensation.



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5. Heard M/s.Ramya V Rao, learned counsel for appellants/claimants and Mr.Santhosa Kumar, learned counsel for respondent/Transport Corporation.

6. This Court has carefully considered the submissions made on either side and the materials available on record.

7. This Court also carefully went through the award passed by the Tribunal.

8. The main ground that was taken by the learned counsel for the appellants was that the Tribunal had fixed a very meager amount under the head of notional monthly income and the same requires interference.

9. The claimants came up with a case that the avocation of the deceased is that of a helper and is also doing milk business and was earning a sum of Rs.30,000/- per month. There were no material available



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before the Tribunal to establish the avocation and the notional monthly income earned by the deceased. Therefore, the Tribunal proceeded to fix the notional monthly income at Rs.8,000/- per month. Considering the fact that the accident had taken place towards the end of 2021 and considering the age of the deceased and the dependents in this case which includes the minor child aged about 1 ½ years, this Court is inclined to fix the notional monthly income at Rs.16,000/- per month. Future prospects of 40% can be added to the notional monthly income and the total notional monthly income works out to Rs.22,400/-. Thus, the compensation under the head of loss of income / dependency is calculated as follows :-

Monthly income	:	Rs.16,000/-
+ 40% Future Prospects	:	Rs. 6,400/-

		Rs.22,400/-

Loss of Income /Dependency

$$\text{Rs.22,400} \times 12 \times 16 \times \frac{3}{4} = 32,25,600/-$$

10. The compensation that has been granted under the other



heads are reasonable and it does not require the interference of this Court.

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

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of dependency	Rs.32,25,600/-
2.	Loss of Consortium	Rs. 1,76,000/-
3.	Loss of Estate	Rs. 16,500/-
4.	Funeral Expenses	Rs. 16,500/-
	Total	Rs.34,34,600/-

16. The compensation awarded by the Tribunal at Rs.18,21,800/- is enhanced to Rs.34,34,600/-. The 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 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



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

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

20.06.2024

Speaking Judgment/Non-speaking Judgment

Index :Yes/No

Neutral citation: Yes/No

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N.ANAND VENKATESH.,J

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To,
Motor Accident Claims Tribunal / II Court of Small Causes, Chennai

CMA No.1253 of 2024

20.06.2024