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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.150 of 2024

1. P. Senthamaraikannan
2. Vasantha

... Appellants

Vs.

The Managing Director,
Tamilnadu State Transport Corporation (Villupuram) Ltd.,
Cuddalore Region

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow the appeal and enhance the compensation in M.C.O.P.No.449 of 2019 dated 29.09.2023 on the file of the Motor Accident Claims Tribunal/ Sub Court-Panruti and pass orders.

For Appellant : Mr.Ramya V. Rao

For Respondent-2 : Mrs.S. Shantha Kumari

JUDGMENT



WEB COPY The appellant had filed this appeal to allow the appeal and enhance the compensation in M.C.O.P.No.449 of 2019 dated 29.09.2023 on the file of the Motor Accident Claims Tribunal/ Sub Court-Panruti

2. The brief facts of the case of the appellant/claimant is as follows:

On 15.08.2010 at about 8:30 p.m when the deceased was riding the Yahaha FZ motor cycle bearing Reg.No. TN 31 AJ 2910 with a pillion rider the first respondent's bus bearing Reg. No. TN-21-N-1386 came from the opposite direction and dashed against the motor cycle of the deceased. As a result of which the rider and the pillion rider sustained grievous injuries and succumbed to the injuries. Hence, the appellants who are the parents of the deceased have filed the claim petition before the Tribunal seeking a compensation for a sum of Rs.30,00,000/-

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.10,26,340/- as compensation, directed the respondent to pay the said amount to the appellants along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.



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4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellants (claimants) have filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The learned counsel for the appellant submitted that the Tribunal erred in fixing the notional income of the deceased as Rs.7,000/-. He further submitted that the amount awarded under all other heads is also very low. Hence prays to enhance the compensation by allowing this petition.

6. On the other hand, the learned counsel appearing for the respondent contended that the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it need not be interfered.

7. Heard both sides and perused the materials available on record.

8. On a analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.14,11,200/- towards the head loss of income;



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Rs. 22,000/- is awarded towards loss of love and affection; Rs.16,500/- each towards Loss of estate and funeral expenses; Thus, the total compensation comes to Rs.14,66,200/-. After deducting 30 % towards contributory negligence the total amount was quantified as Rs.10,26,340/-

9. The Tribunal has takes Rs.7,000/- as notional income of the deceased. Considering the year of the accident, this Court is inclined to enhance the notional income to Rs.15,000/-

Calculation

Notional Income = Rs.15,000/-

40% Future Prospects = 15,000 + 6,000 = 21,000/-

After 1/3rd deduction = 21,000 – 7,000 = Rs.14,000/-

Loss of Income

= Rs.14,000 x 12 x 18

= Rs.30,24,000/-. The amount awarded under the head loss of estate and funeral expenses is modified to Rs.16,000/- each. Loss of love and affection is enhanced to Rs.80,000/-



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10. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Loss of Income	Rs.14,11,200/-	Rs.30,24,000/-
2.	Loss of Estate	Rs.16,500/-	Rs.16,000/-
3.	Funeral Expenses	Rs.16,500/-	Rs.16,000/-
4.	Loss of love and affection	Rs.22,000/-	Rs.80,000/-
	Total	Rs.14,66,200/-	Rs.31,36,000/-
	After deducting 30 % Contributory negligence	Rs.10,26,340/-	
	After deducting 10 % Contributory negligence		Rs.28,22,400/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.14,66,200/-to Rs.28,22,400 /-**, which shall carry interest at the rate of 7.5% per annum.

11. In the result:

- The Civil Miscellaneous Appeal is partly allowed. There shall be



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no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from

Rs.14,66,200/-to Rs.28,22,400 /-.

iii. The appellant/claimant is directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iii. The appellant/claimant is directed to pay the Court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

iv. The respondent is directed to deposit the enhanced compensation amount, i.e., **Rs.28,22,400 /-..** (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of **M.C.O.P.No.449 of 2019 dated 29.09.2023 on the file of the Motor Accident Claims Tribunal/ Sub Court-Panruti** within a period of eight weeks from the date of receipt or uploading of a copy of this order.

v. On such deposit being made, the appellant/claimant is at liberty



to withdraw the same, after following due process of law.

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vi. The appellant/claimant shall not be entitled to claim interest for the period of delay, if any, in filing this appeal.

18.08.2025

Index: Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

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To

1. The **Motor Accident Claims Tribunal/ Sub Court-Panruti**

2. The Managing Director,
Tamilnadu State Transport Cor (Villupuram) Ltd.,
Cuddalore Region

3. The Section Officer, V.R. Section, High Court of Madras.

T.V.THAMILSELVI, J.



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