



C.M.A.No.1400 of 2025

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C.M.A.No. 1400 of 2025

T.V.THAMILSELVI, J.

This matter was taken up for hearing under the caption “For Being Mentioned” today at the instance of learned counsel for appellant.

2. The learned counsel for appellant would submit that this Court by Judgment dated 06.06.2025 partly allowed the above Civil Miscellaneous Appeal. However, he would submit that in paras 8 and 9 of the judgment, the calculation arrived for awarding compensation needs to be modified. Hence, he prayed to amend the same and requested to issue fresh order copy. Accordingly, the matter has been listed today.

3. Heard the contentions of learned counsel for respondents and perused the order.

4. Considering his submissions, Registry is directed to substitute paras 8 and 9 of the judgment as follows :-



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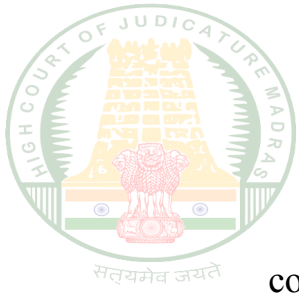
“8. On considering both side submissions and on considering the fact that the accident was happened due to the rash and negligent manner of 1st respondent, who is aged about 71 years, this court is inclined to fix the notional monthly income of deceased as Rs.15,000/-. Furthermore, the Tribunal has granted a sum of Rs.44,000/- under the head of 'Loss of consortium', however, there are three claimants and they are entitled for a sum of Rs.44,000/- each under this head. Therefore, the total compensation awarded under this head is modified as Rs.1,32,000/- (Rs.44,000/- x 3). On further perusal of award, when the compensation for loss of consortium is awarded for each of claimants, the head of loss of love and affection would not arise. The compensation fixed under the others heads are reasonable and it does not require the interference of this Court. Therefore, the compensation awarded by the tribunal is reworked as tabulated below:-



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S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Award confirmed or granted or enhanced
1.	For loss of income Rs.15,000/- (add 10% future prospects) = 15000 + 1500 = 16500 16500 x 12 x 9 (multiplier) = 17,82,000 – 1/3 (5,94,000) = 11,88,000	13,46,436	11,88,000	reduced
2.	Loss of consortium (Rs.44000 x 3)	44,000	1,32,000	enhanced
3.	Loss of love and affection	1,50,000	nil	Would not arise
4.	Funeral expenses	16,500	16,500	confirmed
5.	Transportation expenses	15,000	15,000	confirmed
6.	Loss of estate	16,500	16,500	confirmed
	Total	15,89,000	13,68,000	reduced

9. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the tribunal at Rs.15,89,000/- is reduced to Rs.13,68,000/-. The appellant respondent insurance company is directed to deposit the compensation now determined by this court, 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 eight weeks from the date of receipt of this judgment. On such deposit of the said



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compensation amount, the respondents/claimants are permitted to withdraw the award amount along with interest and costs, less the amount if any, already withdrawn. Insofar as the compensation is concerned, the deficit court fee, if not paid, shall be paid by the respondents. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. No costs.”

5. Registry is directed to incorporate above correction in the judgment of this Court in C.M.A.No.1400 of 2025 dated 06.06.2025 and issue fresh order copy to the appellant.

28.07.2025

rpp



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T.V.THAMILSELVI, J.

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28.07.2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2025

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CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1400 of 2025

The Managing Director,
Tamilnadu State Transport Corporation,
No.3/137, Salamedu, Varuthareddy Post,
Villupuram – 605 402.

...Appellant

Vs.

1. Balasubramanian

2. Vengatesan

3. Vinothraj

...Respondents

PRAYER : Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988), to setting aside the award dated 19.03.2024 passed in M.C.O.P.No.781 of 2022 on the file of the Motor Accidents Claims Tribunal, Special District Judge-I, Cuddalore

For Appellant : Mr.Santhosakumar

For Respondents : Ms.N.Lavanya
For Mrs.M.Malar

J U D G M E N T

This Civil Miscellaneous Appeal has been filed
Challenging the award passed by the Motor Accidents Claims Tribunal,



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Special District Judge-I, Cuddalore, made in M.C.O.P.No.781 of 2022 dated 19.03.2024.

2. The respondents/claimant filed a claim petition under Section 166(1) of the Tamil Nadu Motor Accident Claims Tribunal rules and claiming a compensation of Rs.75,00,000/- for the injuries sustained by the 1st respondent and her wife/deceased in a road accident.

3. The learned Tribunal after hearing both sides and upon considering the oral and documentary evidence has granted compensation Rs.15,89,000/- in the following manner:-

<i>Sl.No</i>	<i>Description</i>	<i>Amount awarded by Tribunal</i>
1.	For loss of income	Rs.13,46,436/-
2.	For loss of marital life of 1 st Petitioner	Rs.44,000/-
3.	For Love and affection (50,000x3)= 1,50,000/-	Rs.1,50,000/-
4.	For funeral expenses	Rs.16,500/-
5.	For Transportation	Rs.15,000/-
6.	For loss of property	Rs.16,500/-
	Total	Rs.15,88,436/-
	Rounded	Rs.15,89,000/-

4. The Tribunal has directed the appellant/Transport Corporation



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to pay the compensation to the claimant/respondents herein with interest at the rate of 7.5% p.a.

5. The appellant/Transport Corporation, not being satisfied with the compensation awarded by the Tribunal, has filed this appeal to set aside the findings of the Tribunal.

6. The learned counsel appearing for the appellant/Transport Corporation submitted that the deceased is the wife of the 1st respondent and the accident was happened due to rash and negligent manner of the 1st respondent who is aged about 71 years and without considering the above, the Tribunal has erroneously fixed a compensation on the side of the respondents. He further submitted that without considering the facts and evidence, the Tribunal has fixed a sum of Rs.17,000/- as monthly income as such is an erroneous one.

7. The learned counsel for the respondents submitted that at the time of the accident in the year 2021, the monthly income fixed by the Tribunal is a reasonable one. Hence, the award passed by the Tribunal is



sustainable.

8. On considering both submissions and on perusal of the award and also considering the cost of living, the husband and wife aged about more than 51 years and the accident was happened in the year 2021. Hence, this Court is fixed the loss of income $(Rs.15,000 \times 10\% \times 1/3 \times 9 \times 12) = Rs.5,94,000/-$ Further, this Court is fixed the amount of $Rs.44,000 \times 3 = Rs.1,32,000/-$ towards the love and affection. In other aspects, the amount awarded by the Tribunal appears to be reasonable. Therefore, the Compensation award by the Tribunal is reworked as tabulated below:-

<i>Sl.No</i>	<i>Description</i>	<i>Amount awarded by Tribunal</i>	<i>Amount awarded by this Court</i>	<i>Award confirmed or granted or enhanced or reduced</i>
1.	For loss of income	Rs.13,46,436/-	Rs.5,94,000/-	reduced
2.	For loss of marital life of 1 st Petitioner	Rs.44,000/-	Rs.44,000/-	confirmed
3.	For Love and affection	Rs.1,50,000/-	Rs.1,32,000/-	reduced
4.	For funeral expenses	Rs.16,500/-	Rs.16,500/-	confirmed
5.	For Transportation	Rs.15,000/-	Rs.15,000/-	confirmed
6.	For loss of property	Rs.16,500/-	Rs.16,500/-	confirmed
	Total	Rs.15,88,436/-	Rs.8,18,000/-	



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9. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the Tribunal at Rs.15,89,000/- is hereby reduced to Rs.8,18,000/- together with interest @ 7.5% per annum from the date of filing of claim petition till the date of deposit. The appellant is directed to deposit the entire award amount now determined by this Court along with interest, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this Judgment, to the credit of MCOP.No.781 of 2022 on the file of the Motor Accidents Claims Tribunal/Special District Judge-I, Cuddalore. On such deposit, the respondents/claimants are permitted to withdraw the award amount now determined by this Court, along with interest, less the amount, if any, already withdrawn, as per the apportionment fixed by the Tribunal by making proper application before the Tribunal. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. No costs.

06.06.2025

Speaking / Non Speaking order
Neutral Citation : Yes/No

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Index :Yes/No

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To.

1. The Motor Accident Claims Tribunal
Special District Judge-I, Cuddalore.
2. The Section Officer,
VR Section,
High Court of Madras.

T.V.THAMILSELVI,J.

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