



CMA.No.556 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :26.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTAR

CMA No.556 of 2025

Pilla Venkata Lakshmi (Deceased)

1.Pilla Venkatesh

2.Pilla Vijaya Lakshmi

3. Pilla Saibabu

... Appellants

Vs.

The Managing Director

Metropolitan Transport Corporation Limited

Pallavan House, Anna Salai

Chennai-600 002

... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, to allow this CMA by enhancing the compensation awarded in the Judgment and Decree, dated 06.11.2023 passed in MCOP No. 5488 of 2017, on the file of the Motor Accident Claims Tribunal (Special Sub Court No. 1 Motor Accidents Claims Petitions) Small Causes Court, Chennai.

For Appellants : Mr.K.Balaji

For Respondent : Mr.M.Murali Vinoth



CMA.No.556 of 2025

WEB COPY

JUDGMENT

Not satisfied with the quantum of compensation awarded by the Motor Accident Claims Tribunal, the claimants have come before this court by way of this appeal.

2. It is the case of the claimants that the husband of the first claimant and the father of the claimants 2 to 4 namely Pilla Nageswara Rao died in a road accident that had taken place on 05.04.2017. According to them, when the deceased was standing near T.H.Road CDH Junction, the bus belonged to the respondent corporation bearing registration number TN-01-N-9808 came in a rash and negligent manner and dashed against him. As a result of which, the deceased sustained grievous injuries and died on the way to the hospital. The claim was laid seeking compensation of Rs.45,00,000. Pending claim petition, the first claimant/wife died and the claim petition was continued by the children of the deceased.

3. The Tribunal passed the award granting compensation of Rs. 17,51,000/-. Not satisfied with the quantum of compensation, the



CMA.No.556 of 2025

WEB COPY claimants have come before this court.

4. Heard the arguments of the learned counsel for the appellants and the learned counsel for the respondent.

5. Both the learned counsel for the appellants as well as respondent have not advanced any arguments on the questions of negligence and liability. Hence, the facts necessary for deciding those questions are not discussed in this appeal.

6. The learned counsel for the appellants submitted that the accident had taken place in the year 2017 and the Tribunal fixed a very meagre notional income of Rs.10,500/- and the same requires enhancement.

7. The learned counsel for the respondent submitted that the claimants have not produced any evidence to establish the avocation and income of the deceased. Hence, the Tribunal was justified in fixing a notional income of Rs.10,500/-.

8. In the claim petition, it was averred by the claimants that the deceased was a daily wage worker and was earning a sum of Rs.18,000/- per month. However, in order to prove the avocation and



CMA.No.556 of 2025

WEB COPY

income, the claimants have not produced any evidence before the Tribunal. Even if no proof is filed to prove the income of the deceased, taking into consideration the facts and circumstances of the case, this court can fix the notional income. In the case on hand, the accident had occurred on 05.04.2017. Taking into consideration the date of accident and the prevailing cost of living, this court feels it would be appropriate to fix Rs.15,000/- per month as notional income for the deceased. In that case, the claimants are entitled to Rs. 21,93,750/- towards loss of dependency which is calculated as follows:-

$$15,000 \times 1.25 \times 12 \times 13 \times 3 / 4 = \text{Rs. } 21,93,750/-$$

9. The amount awarded by the Tribunal under the heads loss of consortium, loss of estate, funeral expenses are in accordance with the law laid down in *Pranay Sethi* case. The amount of Rs.24,850/- awarded under the head transportation charges is based on the evidence available on record and therefore, the same is confirmed.

10. In view of the discussion made earlier, the award passed by the Tribunal is modified as follows:-



Sl • No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Loss of dependency	15,35,625/-	21,93,750/ -	Enhanced
2.	Loss of estate	15,000/-	15,000/-	Confirmed
3.	Funeral Expenses	15,000/-	15,000/-	Confirmed
4.	Loss of consortium	1,60,000/-	1,60,000/-	Confirmed
5.	Transportation Charges	24,850/-	24,850/-	Confirmed
	Total	17,50,475/- rounded off to 17,51,000/-	24,08,600/ -	Enhanced by Rs.6,57,600 /-

12. With the above modifications, the Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the Tribunal at Rs.17,51,000 /- is hereby enhanced to Rs.24,08,600/-. The appellants are entitled to interest at the rate of 7.5% per annum (excluding the delay period, if any)from the date of filing of the claim petition till the date of realization. The respondent corporation is



CMA.No.556 of 2025

WEB COPY

directed to deposit the enhanced award amount along with interest and costs, less the amount already deposited, if any, within a period of four weeks from the date of receipt of copy of this Judgment. On deposit of the enhanced sum, the appellants/claimants are entitled to withdraw the same along with interest and costs, less the amount if any, already withdrawn by filing a formal application before the Tribunal. No costs.

26.02.2025

Index: Yes/No
Internet: Yes/No
nr

To

1. Motor Accident Claims Tribunal,
Special Sub Court No. I
Small Causes Court, Chennai)
2. The Section Officer,
VR Section,
High Court, Madras.



WEB COPY



CMA.No.556 of 2025

S.SOUNTHAR, J.

nr

CMA No.556 of 2025

26.02.2025