



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.744 of 2024

1. Kasthuri
 2. Sakthivel
 3. Vengatesan
- ... Appellants

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation Kumbakonam Ltd.,
Railway Station, New road,
Kumbakonam Taluk
Thanjavur District

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow the Civil Miscellaneous Appeal against the Judgment and Decree dated 20.11.2021 made in M.A.C.T.O.P.No.6141/2016 on the file of the Motor Accident Claims Tribunal, (Special Sub Court No.2, Motor Accident Claims Petitions) Small Causes Court, Chennai.

For Appellant : Mr.P. Terry Chella Raja
For Respondent-2 : Mr.M. Murali Vinodh



WEB COPY

JUDGMENT

The appellant had filed this appeal to allow the Civil Miscellaneous Appeal against the Judgment and Decree dated 20.11.2021 made in M.A.C.T.O.P.No.6141/2016 on the file of the Motor Accident Claims Tribunal, (Special Sub Court No.2, Motor Accident Claims Petitions) Small Causes Court, Chennai.

2. The brief facts of the case of the appellants/claimants is as follows:

On 31.07.2016 at about 11.00 p.m while the deceased was crossing in the GST road at Achirupakkam National highways Road a bus belonging bearing Registration No. TN-68-N-3574 came from Chennai to Karaikkal in a rash and negligent manner and hit against the deceased. As a result of which the deceased sustained fatal injuries and succumbed to the injuries. The accident has occurred only due to the rash and negligent driving of the driver of the bus. Hence, the legal heirs of the deceased filed a claim petition before the Tribunal seeking Tribunal seeking Rs.50,00,000/- as compensation against the respondent.

3. Upon considering the oral and documentary evidence, the



WEB COPY

Tribunal partly allowed the claim petition and awarded a sum of Rs.14,37,000/- 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.

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 awarding Rs.10,000/- as monthly income of the deceased as he was earning Rs.25,000/- per month at the time of accident. He further submitted that the amount awarded under all other heads are 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.



WEB COPY

8. On an analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.12,87,000/- towards loss of dependency; Rs.1,20,000/- towards loss of consortium; Rs.15,000/- towards loss of estate; Rs.15,000/- towards funeral expenses. Thus the total compensation was arrived at Rs.14,37,000/-

9. Considering the occupation of the deceased, his monthly income would be Rs.15,000/-. The Tribunal has taken '13' as a multiplier, as per the dictum laid by the Hon'ble Apex Court and Considering the age of the deceased and 1/4 should be deducted for his personal expenses.

Calculation

Monthly Income = Rs.15,000/-

10% Future Prospects = $15,000 + 1,500 = 16,500/-$

After 1/4 deduction = $16,500 - 4,125 = \text{Rs.}12,375/-$

Loss of Dependency



WEB COPY

= Rs.12,375 x 12 x 13

= Rs.19,30,500/-.

The amount awarded under the head loss of estate is enhanced to Rs.25,000/-. The amount awarded under all other heads remains the same.

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 Dependency	Rs.12,87,000/-	Rs.19,30,500/-.
2.	Loss of consortium	Rs.1,20,000/-	Rs.1,20,000/-
3	Loss of Estate	Rs.15,000/-	Rs.25,000/-
4	Funeral Expenses	Rs.15,000/-	Rs.15,000/-
	Total	Rs.14,37,000/-	Rs. 20,90,500/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.14,37,000/- to Rs. 20,90,500/-**, which shall carry interest at the rate of 7.5% per annum.

11. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.



WEB COPY

ii. The compensation awarded by the Tribunal is enhanced from

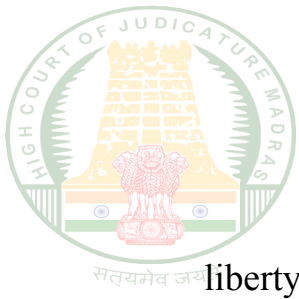
Rs.14,37,000/- to Rs. 20,90,500/-,

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. 20,90,500/-**, (after deducting the amount already deposited), jointly 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.A.C.T.O.P.No.6141 of 2016 on the file of the Motor Accident Claims Tribunal, (Special Sub Court No.2, Motor Accident Claims Petitions) Small Causes Court, Chennai** 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 appellants/claimants are at



WEB COPY

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

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

13.08.2025

Index: Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no
smn

To

1. The Motor Accident Claims Tribunal, (Special Sub Court No.2, Motor Accident Claims Petitions) Small Causes Court, Chennai.

2. The Managing Director,
Tamil Nadu State Transport Corporation Kumbakonam Ltd.,
Railway Station, New road,
Kumbakonam Taluk
Thanjavur District

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

T.V.THAMILSELVI, J.

smn



WEB COPY

C.M.A.No.744 of 2024

13.08.2025