



C.M.A.No.1632 of 2025

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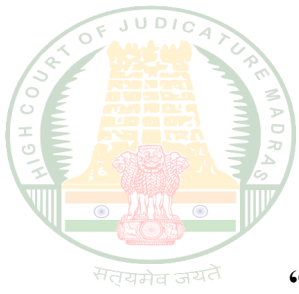
WEB CO **T.V.THAMILSELVI, J.**

This matter was taken up for hearing under the caption “For Being Mentioned” today at the instance of the learned counsel for the respondents 1 to 3.

2. The learned counsel for respondents 1 to 3 would submit that this Court by Judgment dated 01.07.2025 partly allowed the above Civil Miscellaneous Appeal. However, she would submit that though the tribunal awarded a sum of Rs.1,50,000/- under the head of loss of love and affection, there is no compensation awarded by this court under the said head. Hence, he prayed to award some amount under the said head and requested to modify the calculation column and also prayed to issue fresh order copy.

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

4. Considering his submissions, Registry is directed to substitute para 5, calculation column in para 6 and para 7 as follows :-



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“5. Considering the facts and circumstances of the case and also the fact that the tribunal has awarded a compensation under the head of love and affection of Rs.1,50,000/- and also for loss of consortium of Rs.40,000/-. As rightly pointed out by the learned counsel for the appellant, once the compensation was awarded under the head of loss of consortium, there cannot be any further compensation for loss of love and affection. However, on considering the fact that his legal heirs are wife, daughter and son and they are solely depend upon him and they have lost his love and affection. Considering that, this Court is inclined to award a sum of Rs.50,000/- under the head of loss of love and affection. Further, this Court is inclined to reduce award under the head of loss of clothes from Rs.25,000/- to Rs.10,000/-. Except above modification, the award passed by the tribunal under other heads remain unchanged.

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



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S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
1.	Loss of income/dependence	Rs.24,34,000/-	Rs.24,34,000/-
2.	Loss of clothes	Rs.25,000/-	Rs.10,000/-
3.	Loss of consortium	Rs.40,000/-	Rs.40,000/-
4.	Funeral expenses	Rs.15,000/-	Rs.15,000/-
5.	Transportation charges	Rs.15,000/-	Rs.15,000/-
6.	Love and affection	Rs.1,50,000/-	Rs.50,000/-
	Total	Rs.26,79,000/-	Rs.25,64,000/-

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is reduced to Rs.25,64,000/-. The appellant is directed to deposit the said amount - together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of MCOP No. 3007 of 2017 on the file of the Motor Vehicle Accident Claim Tribunal, Special District Judge No.1, Cuddalore, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the respondents 1 to 3 is permitted to withdraw the award amount by making formal application before the Tribunal. The appellant may deduct the amount, if any amount has already deposited before the tribunal.



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5. Registry is directed to incorporate above correction in the judgment of this Court in C.M.A.No.1632 of 2025 dated 01.07.2025 and issue fresh order copy.

12.08.2025

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T.V.THAMILSELVI, J.

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12.08.2025



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1632 of 2025

AND

CMP NO. 14366 OF 2025

1. The Managing Director,
Tamil Nadu State Transport
Corporation, No.3/137, Salamedu,
Vazhuthareddy, Villupuram.

Appellant(s)

Vs

1. M.Sivagangai,
W/o.Late Murugan, Residing at
No.35, Murugan Koil Veethi,
Bharathi Nagar, Ariyur, Puducherry.

2.P.Deepalakshmi,
W/o.Pushparaj, Residing at No.35,
Murugan Koil Veethi, Bharathi
Nagar, Ariyur, Puducherry.

3.M.Sethuraman,
S/o.Late Murugan, Residing at
No.35, Murugan Koil Veethi,
Bharathi Nagar, Ariyur, Puducherry.

4.S.Vairamal,

6/13



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W/o.Late Selvamani, No.29 Santhani
Street, Kosapalayam, Puducherry.

5.The United India Insurance
Co.Ltd.,
No.13A, Nethaji Road,
Manjakuppam, Cuddalore.

Respondent(s)

CMA No. 1632 of 2025

PRAYER

To set aside the award dated 30-10-2023 passed in MCOP No. 3007 of 2017 on the file of the Motor Vehicle Accident Claim Tribunal, Special District Judge, No.1, Cuddalore.

CMA No. 1632 of 2025

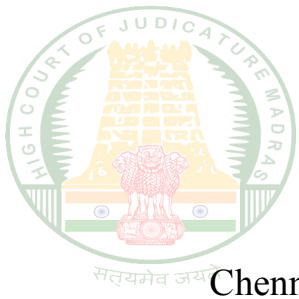
For Appellant(s): Mr.C.R.Sureshkumar

For Respondent(s): Ms.N.Lavanya For
Mrs.M.Malar For R1 To R3

JUDGEMENT

This Civil Miscellaneous appeal has been filed to set aside the award dated 30-10-2023 passed in MCOP No. 3007 of 2017 on the file of the Motor Vehicle Accident Claim Tribunal, Special District Judge, No.1, Cuddalore.

2. On 01.02.2017 at about 05.20 p.m, when the deceased was travelling in the vehicle bearing registration No. PY 01 BA 1959 in the



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Chennai – Kumbakonam main road, at the time, the Government bus bearing registration No. TN 32 N 3335 driven by the driver in a rash and negligent manner dashed the vehicled travelling in the deceased, due to which, the deceased died on the spot. Thereafter, the claimants filed the petition before the tribunal claiming compensation. The second and third respondents contested the case by filing counter. On considering the oral and documentary evidence, the tribunal awarded a sum of Rs. 26,79,000/- as compensation. Challenging the quantum of compensation, the Tamil State Transport corporation filed this appeal.

3. The learned counsel for the appellant submits that the award passed by the tribunal under the head of love and affection is very unnecesary for the reason that loss of consortium also awarded. Further, the tribunal awarded a sum of Rs.25,000/- for loss of cloth, which is excessive. Further, the submitted that once the compensation is awarded under the head of loss of love and affection, there cannot be any further compensation for loss of consortium to that effect he relied the judgement of this Court in the case of The United India Insurance Company Limited Vs. M. Sivagangai and others in the case of CMA No. 904 of 2024.



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4. The learned counsel for the respondents submit that the tribunal has rightly passed the award which needs no interference.

5. Considering the facts and circumstances of the case and also the fact that the tribunal has awarded a compensation under the head of love and affection of Rs.1,50,000/- and also for loss of consortium of Rs.40,000/-. As rightly pointed out by the learned counsel for the appellant, once the compensation was awarded under the head of loss of consortium, there cannot be any further compensation for loss of love and affection. Accordingly, the compensation awarded under the head of love and affection is ordered to be set aside. Further, this Court inclined to reduce award from Rs.25,000/- to Rs.10,000/- for loss of clothes. Except above modification, the award passed by the tribunal under other heads remain unchanged.

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

<i>S.No.</i>	<i>Heads</i>	<i>Compensation awarded by the tribunal.</i>	<i>Compensation awarded by this Court</i>
1.	Loss of income/dependence	Rs.24,34,000/-	Rs.24,34,000/-
2.	Loss of clothes	Rs.25,000/-	Rs.10,000/-



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S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
3.	Loss of consortium	Rs.40,000/-	Rs.40,000/-
4.	Funeral expenses	Rs.15,000/-	Rs.15,000/-
5.	Transportation charges	Rs.15,000/-	Rs.15,000/-
6.	Love and affection	Rs.1,50,000/-	NIL
	Total	Rs.26,79,000/-	Rs.25,14,000/-

7. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs.25,14,000/-. The respondent is directed to deposit the said amount - together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of MCOP No. 3007 of 2017 on the file of the Motor Vehicle Accident Claim Tribunal, Special District Judge, No.1, Cuddalore., within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the appellant/claimant is permitted to withdraw the award amount by making formal application before the Tribunal. The respondent may deduct the amount, if any amount has already deposited before the tribunal.



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8. With the above direction, the Civil Miscellaneous Appeal is

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partly allowed. No costs.

01-07-2025

pbl

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1.M.Sivagangai,
W/o.Late Murugan, Residing at
No.35, Murugan Koil Veethi,
Bharathi Nagar, Ariyur, Puducherry.

2.P.Deepalakshmi,
W/o.Pushparaj, Residing at No.35,
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3.M.Sethuraman,
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4.S.Vairamal,
W/o.Late Selvamani, No.29 Santhani
Street, Kosapalayam, Puducherry.

5.The United India Insurance
Co.Ltd.,
No.13A, Nethaji Road,
Manjakuppam, Cuddalore.

6. The section officer, V.R Section,
High Court, Madras.

7. The Motor Vehicle Accident
Claim Tribunal, Special District
Judge, No.1, Cuddalore.



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T.V.THAMILSELVI J.

**CMA No. 1632 of 2025
AND CMP NO. 14366
OF 2025**

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