



C.M.A.No.804 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2025

CORAM :

THE HON'BLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No.804 of 2022

- 1.Sandhiya
- 2.Minor. Akil
- 3.Minor Anu Sri
- 4.Nagammal
- 5.Poonusamy

... Appellants

Versus

The Managing Director,
Tamil Nadu State Transport Corporation Limited,
(Salem Division), Salem Main Road,
Bharathipuram Post,
Dharmapuri Taluk & District.

... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the order made in M.C.O.P.No.79 of 2020, dated 20.11.2021, on the file of the Motor Accident Claims Tribunal cum Special District Court, Dharmapuri.

For Appellants : Mr.M.Selvam

For Respondent : Mr.D.Nitin



C.M.A.No.804 of 2022

JUDGMENT

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This Appeal is directed as against the award of the Motor Accident Claims Tribunal cum Special District Court, Dharmapuri, in M.C.O.P.No.79 of 2020, dated 20.11.2021 .

2.Briefly stated, on 17.01.2020, one Sharath was riding his two wheeler bearing Reg. No.KA 53 EG 5326 along with deceased Senthil as the pillion in Kadathur to Dharmapuri main road. At that time, the bus bearing Reg.No.TN 29 N 2482 owned by TNSTC was driven in a rash and negligent manner by its driver dashing against the two wheeler and causing the accident. In the said accident, the rider and pillion rider of the two wheeler sustained multiple grievous injuries and died on the spot. At the time of the accident, the deceased Senthil was aged about 28 years and was earning Rs.40,000/- per month by working as borewell driver and driller. The claimants are the wife, minor children and parents of the deceased Senthil. A sum of Rs.50,00,000/- was claimed as compensation for the death of the deceased. The claim was resisted by the respondent/Corporation stating that the rider of the two wheeler was unable to control the vehicle and dashed on the front side of the bus and invited the accident. Since the accident was caused due to the negligence



C.M.A.No.804 of 2022

of the rider of the two wheeler, the respondent is not liable to pay any compensation to the claimants. Since there was no contra evidence on the side of the respondent/Corporation, the Tribunal has fixed the liability on the respondent/Corporation. Hence, the findings of the learned Tribunal in this regard is confirmed.

3.Though this appeal award has been challenged by the claimants on the ground that just compensation has not been awarded by the learned Tribunal, it is submitted that income of the deceased has not been correctly arrived at the Tribunal. The Tribunal has fixed the income of the deceased as Rs.9000/- per month, while the deceased was earning Rs.40,000/- per month.

4.On the other hand, the learned counsel appearing for the respondent/Corporation would submit that, P.W.1, wife of the deceased during her cross examination has stated that her husband was working as salesman at the time of the accident. The Tribunal upon considering the above discrepancy rightly fixed the notional income of the deceased at Rs.9000/- which warrants any interference by this Court.

5.Heard on both sides, records perused.



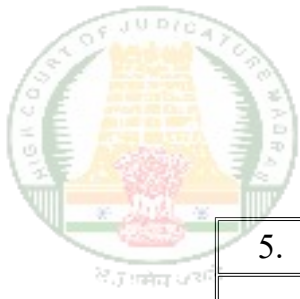
C.M.A.No.804 of 2022

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6.Considering the facts and circumstances of the case and the year of accident, the plight of the claimants, this Court deems it fit to fix the notional income of the deceased as Rs.14,000/- per month and add 40% to the future prospects making the total compensation towards loss of income $(14000 + 5,600 (\frac{3}{4} \times 17 \times 12 - 58,800$ (deduction of $\frac{1}{4}^{\text{th}}$ personal expense) = Rs.29,98,800/-, and the compensation awarded under other heads are confirmed.

7.Therefore, this Court finds it reasonable to enhance the compensation under the various heads, which are as follows:

S.No	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted
1.	Compensation for pecuniary loss	19,27,800	29,98,800	Enhanced
2.	Loss of spousal consortium for first petitioner/appellant	40,000	40,000	Confirmed
3.	Loss of parental consortium for petitioners 2 & 3/appellants 2 & 3	80,000	80,000	Confirmed
3.	Loss of filial consortium for petitioners 4 & 5 /appellants 4 & 5	80,000	80,000	Confirmed
4.	Loss of estate	15,000	15,000	Confirmed



C.M.A.No.804 of 2022

5.	Funeral Expenses	15,000	15,000	Confirmed
	Total	21,57,800/-	32,28,800	Enhanced by Rs.10,71,000/-

8.As a result of the aforesaid discussion,

(i) the present appeal is partly allowed and it is held that the appellants shall be entitled to a compensation of Rs.32,28,800/- along with interest at the rate of 7.5% per annum from the date of claim petition till the realization of the compensation.

(ii)The respondent/Corporation is directed to pay the above said compensation amount now determined by this Court to the appellants along with interest and costs, less the amount already deposited, if any, within a period of **twelve (12) weeks** from the date of receipt of copy of this judgment.

(iii)On such deposit, the appellants 1, 4 & 5 are permitted to withdraw their share as per their apportionment made by the Tribunal along with interest and cost, less the amount already withdrawn, if any.

(iv)The Share amount of the minor appellants 2 & 3 shall be invested in any one of the Nationalized Banks until they attain majority and 1st appellant being the Mother of the minor appellants 2 & 3 are permitted to withdraw the interest accrued on the share of the minor



C.M.A.No.804 of 2022

appellants 2 & 3 once in six months for the maintenance and welfare of the minor appellants.

(v)The appellants are directed to pay the necessary Court fee, if any for the enhanced award amount. The Registry is directed to draft the decree only after the receipt of Court fee. No costs.

08.12.2025

vsn

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To:

1.The Special District Court, Dharmapuri,
The Motor Vehicle Accident Tribunal,
Dharmapuri.

2.The Section Officer,
VR Section, High Court, Madras.

K.GOVINDARAJAN THILAKAVADI,J.

vsn



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C.M.A.No.804 of 2022

C.M.A.No.804 of 2022

08.12.2025