



CMA.No.766 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :17.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CMA No.766 of 2025

1.K.Balaraman
2.B.Rukmani
3.B.Karthikeyan
4.B.Cindy
5.B.Prathiba

... Appellants

Vs.

Metropolitan Transport Corporation Limited

The Managing Director

Pallavan House, Anna Salai

Chennai-600 002.

... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, to enhance the compensation awarded in the Judgment and Decree, dated 09.11.2023, passed in MCOP NO. 7808 of 2018, 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 :M/s.M.Murali Vinodh



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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 not in dispute that son of the claimants 1 and 2 and brother of the claimants 3 to 5 died in a road accident involving the bus belonged to the respondent corporation on 17.03.2018.

3. Both the learned counsel appearing for the appellants as well as respondent corporation have not raised the questions of negligence and liability. Therefore, the facts necessary to decide those questions are not discussed in this appeal.

4. The learned counsel for the appellants submitted that the deceased was working as a Computer Engineer at the time of accident and notwithstanding the production of salary certificate issued by the employer marked as Ex.P9, the Tribunal ignored the same and fixed a very low notional income of Rs.11,000/- per month and the same requires enhancement.



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5. The learned counsel for the respondent corporation submitted that claimants have not examined the employer to prove the salary certificate and therefore, the Tribunal was justified in fixing Rs.11,000/- per month as notional income of the deceased.

6. In order to prove that deceased was employed as a Computer Engineer at Guindy IT Park, Chennai, the claimants marked the ID card of the deceased issued by his employer as Ex.P8. The salary certificate issued by the employer was marked as Ex.P9. A perusal of the salary certificate would indicate that the total emolument was mentioned as Rs.17,049/- It is also seen from Ex.P6, provisional certificate and Ex.P5, degree certificate, the deceased had obtained a degree of Bachelor of Computer Applications (BCA). Even assuming there is no evidence to prove his avocation and income, for the accident of the year 2018, this Court can fix notional income at Rs.16,500/-. In the case on hand, the computer generated salary slip issued by the employer indicates that the salary was Rs.17,049/- on the date of accident. Therefore, this court is inclined to fix Rs.17,000/- as income of the deceased. Based on Ex.P7, the Transfer Certificate, the tribunal fixed



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the age of the deceased at 29 years. Therefore, the claimants are entitled to 40% enhancement towards future prospects. The applicable multiplier is 17. Since the victim died as a bachelor, 50% of the amount shall be deducted towards personal expenses. Therefore, the loss of dependency is assessed at Rs 24,27,600/-

$$17,000 \times 1.4 \times 12 \times 17 \times 1 / 2 = \text{Rs.}24,27,600/-$$

7. The amount of Rs.80,000/- awarded by the tribunal under the head loss of parental consortium to claimants 1 and 2, the amount of Rs.15,000/- each awarded under the heads loss of estate and funeral expenses are confirmed. The amount of Rs.5,000/- awarded under transportation charges is set aside. In addition to the above said amount, the claimants 3 to 5, namely brother and unmarried sisters of the victim, are entitled to Rs.1,20,000/-(Rs.40,000 x 3) under the head loss of love and affection.

8 In view of the discussions 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	15,70,800/-	24,27,600/- -	Enhanced
2.	Loss of estate	15,000/-	15,000/-	Confirmed
3.	Funeral expenses	15,000/-	15,000/-	Confirmed
4.	Loss of Consortium (claimants 1 and 2)	80,000/-	80,000/-	Confirmed
5	Transportation charges	5,000	Nil	Set aside
6	Loss of love and affection(claimants 3 to 5)	Nil	1,20,000/-	Granted
	Total	16,85,800/-	26,57,600/- -	Enhanced by Rs.9,71,800 /-

9 With the above modifications, the civil miscellaneous appeal is partly allowed and the compensation awarded by the Tribunal at Rs.16,85,800/- is hereby enhanced to Rs.26,57,600/-. The appellants are



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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 directed to deposit the enhanced award amount, to the credit of MCOP.No. 7808 of 2018 on the file of the Motor Accident Claims Tribunal, Special Sub Court No.1, Small Causes Court, Chennai, along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of copy of this Judgment. The appellants/claimants are permitted to withdraw the same along with interests and costs, less the amount if any, already withdrawn by filing a formal application before the Tribunal. No costs.

17.03.2025

Index:Yes/No

Internet:Yes/No

Speaking order:Yes/No

Neutral Citation:Yes/No

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To

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



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S.SOUNTCHAR, J.

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