

CMA No.1518 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1518 of 2025

1. R.Renuka
- 2.Minor R.Dhivya
- 3.Minor R.Gowtham
- 4.S.Dhanam
- 5.P.Seenivasan

... Appellants

Vs.

- 1.V.Sumathi
- 2.The New India Assurance Company Ltd.,
Mochi Complex, No.179,
Jawaharlal Nehru Salai, Pondicherry.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to enhance the compensation awarded passed by the Tribunal in M.C.O.P.No.51 of 2021, on the file of III Additional District and Sessions Judge, Motor Accident Claims Tribunal, Vridhachalam, dated 11.04.2022.

For Appellant : Mr.S.Udhayakumar

For R2 : Mr.J.Chandran



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JUDGMENT

The appellants have filed this appeal seeking enhancement of the compensation awarded in M.C.O.P. No. 51 of 2021, on the file of the III Additional District and Sessions Judge, Motor Accident Claims Tribunal, Vridhachalam, dated 11.04.2022.

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

On 26.01.2021, at about 20.45 hours, the deceased Ramathas had stopped to attend to a natural call (urination) in a sitting position opposite a shopping complex, near KPM Thirumana Mandapam, Kambainallur. At that time, a bus bearing registration number TN-70-Q-9909, owned by the 1st respondent and driven in a rash and negligent manner, dashed against and ran over Ramathas. As a result, he died on the spot due to open skull injury, damage to vital organs, hemorrhage, and shock. The accident occurred solely due to the rash and negligent driving of the bus driver. The body of the deceased was taken to the Government Medical College Hospital, Dharmapuri for post-mortem examination.



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3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs. 17,56,000/- as compensation. The 2nd respondent was directed 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 realization.

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. Heard Mr. S. Udhayakumar, learned counsel appearing for the appellants, and Mr. J. Chandran, learned counsel appearing for the 2nd respondent.

6. The learned counsel for the appellants contended that the deceased was working as a Turner in a private lathe workshop and was earning a sum of Rs. 26,000/- per month. However, the Tribunal fixed the monthly notional income of the deceased as only Rs. 9,000/-. Hence, the learned counsel prayed for enhancement of the compensation.



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7. On the other hand, the learned counsel appearing for the 2nd respondent submitted that the award passed by the Tribunal was based on well-settled legal principles applicable at the time and does not warrant any interference.

8. The deceased was working as a Turner in a private lathe workshop. However, the claimants did not produce any documentary evidence to substantiate the claim that the deceased was earning Rs. 26,000/- per month. Considering the nature of employment and the lack of documentary proof, this Court is of the opinion that fixing the notional monthly income of the deceased at Rs. 18,000/- would meet the ends of justice.

9. As per the decision of the Hon'ble Supreme Court in *National Insurance Co. Ltd. v. Pranay Sethi and Others*, reported in 2017 (2) TN MAC 601, 40% is to be added to the income towards future prospects. The deceased died leaving behind his legal heirs, his wife, two children, and his parents. Hence, 1/4th of the income is to be deducted towards his personal expenses. The deceased was aged 35 years at the time of the



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accident. As per the decision rendered in *Sarla Verma and Others v. Delhi Transport Corporation and Another*, reported in (2009) 6 SCC 121, the appropriate multiplier is 15. Further, compensation towards loss of consortium is enhanced from Rs. 40,000/- to Rs. 1,60,000/- for the claimants.

10. Calculation:

- Notional Income = Rs. 18,000/-
- Future Prospects (40%) = Rs. 18,000 + Rs. 7,200 = Rs. 25,200/-
- After 1/4th deduction = Rs. 25,200 - Rs. 6,300 = Rs. 18,900/-

Loss of dependency = Rs. 18,900 $\times$ 12 $\times$ 15 = Rs. 34,02,000/-

11. The following tabular column sets out the amounts awarded by the Tribunal and the enhanced amounts awarded by this Court under various heads:

<i>Sl. No</i>	<i>Heads</i>	<i>Amount awarded by the Tribunal (Rs.)</i>	<i>Amount awarded by the High Court (Rs.)</i>
1.	Loss of dependency	17,01,000	34,02,000
2.	Loss of Consortium	40,000	2,00,000
3.	Funeral Expenses	15,000	15,000
	Total	17,56,000	36,17,000



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Thus, the compensation awarded by the Tribunal is enhanced from Rs. 17,56,000/- to Rs. 36,17,000/-, which shall carry interest at the rate of 7.5% per annum.

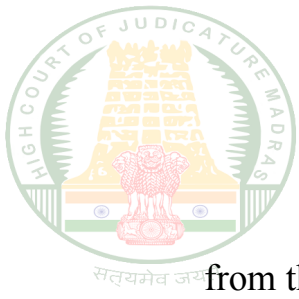
12. In the result:

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

ii. The compensation awarded by the Tribunal is enhanced from Rs.17,56,000/- to Rs. 36,17,000/-.

iii. The appellants/claimants are directed to pay the court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree only after receipt of the court fee.

iv. The 2nd respondent, The New India Assurance Company Ltd., Pondicherry, is directed to deposit the enhanced compensation amount of Rs. 36,17,000/- (after deducting the amount already deposited), 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.C.O.P. No. 51 of 2021 on the file of the III Additional District and Sessions Judge, Motor Accident Claims Tribunal, Vridhachalam, within a period of four weeks



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v. On such deposit being made by the 2nd respondent, the appellants/claimants are at liberty to withdraw the same, as per the apportionment made by the Tribunal, 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.

26.06.2025

Index: Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

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To

1. The III Additional District and Sessions Judge, Motor Accident Claims Tribunal, Vridhachalam.

2. The New India Assurance Company Ltd.,
Mochi Complex, No.179,
Jawaharlal Nehru Salai, Pondicherry.

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



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T.V.THAMILSELVI, J.

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