



CMA No.859 of 2024

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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.859 of 2024

M.V.Saibabu

... Appellant

Vs.

The Managing Director,
Metropolitan Transport Corporation Limited,
No.2, Pallavan House, Anna Salai,
Chennai-600 002.

... Respondents

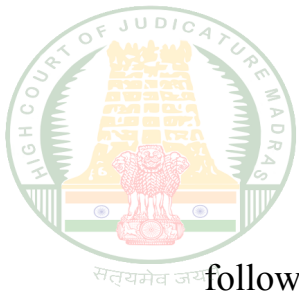
PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to enhance the compensation awarded passed by the Tribunal in M.C.O.P.No.3143 of 2020, on the file of Chief Small Causes Court, Chennai, dated 07.11.2023.

For Appellant : Mr.J.Ravikumar
For Respondent : Mr.M.Murali Vinodh

JUDGMENT

The appellant has filed this appeal seeking enhancement of the compensation awarded in M.C.O.P. No. 3143 of 2020, dated 07.11.2023, on the file of the Chief Small Causes Court, Chennai

2. The brief facts of the case of the appellant/claimant are as



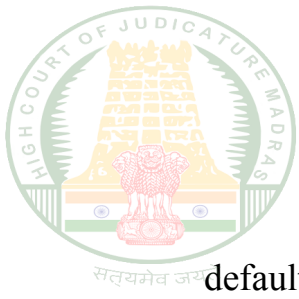
CMA No.859 of 2024

follows:

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On 18.11.2020, at about 11.45 hours, the deceased, S.Praveen, was riding a motor cycle bearing Reg.No.PY.01 CJ 7008 and was proceeding from Besant Nagar M.G.Salai towards Indira Nagar 2nd Avenue, Adyar, Chennai. When he was near Mewry Shree Sha Apartment, Indira Nagar, 2nd Avenue, Adyar, an MTC Bus (Rout NO.6D) bearing Reg.No.TN 01 AN 1672, driven by its driver in the opposite direction in a rash and negligent manner and in a manner endangering public safety, suddenly hit the deceased. As a result of the impact, the deceased fell down and sustained a head injury and multiple injuries all over his body. He was initially taken to Malar Hospital for First Aid and was then shifted to the Government General Hospital, Chennai-3, where he succumbed to his injuries and died on 21.11.2020.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.18,84,400/- as compensation. The respondent was directed to pay the said amount to the appellant, along with interest at the rate of 7.5% per annum from the date of petition till the date of realization, excluding the



CMA No.859 of 2024

default period, if any.

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4. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellant (claimant) has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. Heard Mr. J.Ravikumar, learned counsel appearing for the appellants, and Mr. M.Murali Vinodh, learned counsel appearing for the respondent.

6. The learned counsel for the appellant contended that the deceased was working as a Assistant Costumer, South India Cine and TV Costumers Union, Vadapalani, Chennai-26 and was earning a sum of Rs. 30,000/- per month. However, the Tribunal fixed the monthly notional income of the deceased as only Rs. 12,000/-. Hence, the learned counsel prayed for enhancement of the compensation.

7. On the other hand, the learned counsel appearing for the



CMA No.859 of 2024

WEB COPY

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 Assistant Costumer, South India Cine and TV Costumers Union, Vadapalani, Chennai-26. It is pertinent to point out that the accident took place in the year 2020 and in the facts and circumstances, 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 as a bachelor and hence, 50% is deducted towards his personal expenses. The deceased was aged 23 years at the time of the 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 18.

10. Calculation:



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• Notional Income = Rs. 18,000/-

• Future Prospects (40%) = Rs. 18,000 + Rs. 7,200 = Rs. 25,200/-

• After 1/2 deduction = Rs. 25,200 - Rs. 12,600 = Rs. 12,600/-

Loss of dependency = Rs. 12,600 $\times$ 12 $\times$ 18 = Rs. 27,21,600/-

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	18,14,400	27,21,600
2.	Loss of Estate	15,000	15,000
3.	Loss of Consortium	40,000	40,000
4.	Funeral Expenses	15,000	15,000
	Total	18,84,400	27,91,600

Thus, the compensation awarded by the Tribunal is enhanced from Rs. 18,84,400/- to Rs.27,91,600/-, 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



CMA No.859 of 2024

no order as to costs.

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ii. The compensation awarded by the Tribunal is enhanced from Rs.18,84,400/- to Rs.27,91,600 /-.

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 receipt of the court fee.

iv. The respondent, Metropolitan Transport Corporation Limited, Chennai, is directed to deposit the enhanced compensation amount of Rs.27,91,600/- (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. 3143 of 2020 on the file of the Chief Small Causes Court, Chennai, within a period of four weeks from the date of receipt or uploading of a copy of this order.

v. On such deposit being made by the respondent, the appellant/claimant is at liberty to withdraw the same, as per the apportionment made by the Tribunal, after following due process of law.

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



CMA No.859 of 2024

26.06.2025

WEB COPY

Index: Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

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To

1. The Chief Small Causes Court, Chennai.

2. The Managing Director,
Metropolitan Transport Corporation Limited,
No.2, Pallavan House, Anna Salai,
Chennai-600 002.

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

T.V.THAMILSELVI, J.

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CMA No.859 of 2024

C.M.A.No.859 of 2024

26.06.2025