



CMA.No.1061 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.08.2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1061 of 2025

1.Shanthi

Nallagatla Jagannadham @ Jaganadhan (died)
Vs

...Appellants

Managing Director,
TNSTC, Villupuram Ltd.,
Kanchipuram Region, Kancheepuram District
Branch Office, Managing Director
TNSTC Villupuram Ltd.,
Kanchipuram Region, Koyambedu bus stand
Koyambedu, Chennai

..Respondent

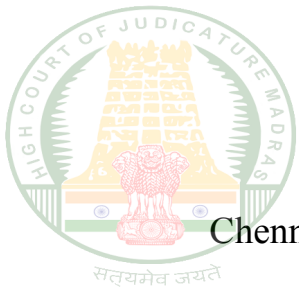
Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Judgment and Decree passed in MCOP.No.176 of 2020 dated 20.08.2024 on the file of Motor Accident Claims Tribunal (Chief Judge, Court of Small Causes, Chennai)

For Appellant : Mr.U.Chithambaram

For Respondent : Mr.A.Vinothraj

J U D G M E N T

This appeal has been filed by the claimant seeking enhancement of compensation under the impugned award dated 20.08.2024 passed by the Motor Accident Claims Tribunal (Chief Judge, Court of Small Causes,



CMA.No.1061 of 2025

Chennai) in MCOP.No.176 of 2020.

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

On 02.09.2018 at about 14.40 hours, when the deceased was riding a motorcycle bearing Chasis No.MEIRG4466J0006638, from Kottakarai to Gummidipoondi at Gummidipoondi Road, near Dena Bank, a bus bearing Regn.No.TN-21-N-1206 which came in the same direction driven in a rash and negligent manner, rammed against the motorcycle, due to which, the deceased sustained multiple injuries all over the body and died in the hospital despite treatment. Claiming that the driver of the bus is responsible for the accident, the claimants have filed a claim petition before the Tribunal claiming a sum of Rs.40,00,000/-. The Tribunal after adjudicating the issues with reference to the documents and evidences, has awarded a total compensation of Rs.21,96,800/-.

3. The appellant/claimant, unsatisfied with the quantum of compensation awarded by the Tribunal under the impugned award, has preferred this appeal seeking enhancement.

4. Heard the learned counsel for the appellant and learned counsel for



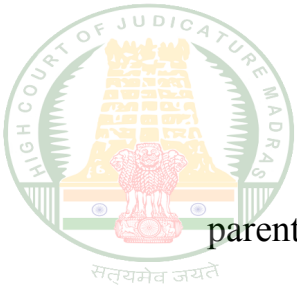
the respondent and perused the materials available on record.

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5. The learned counsel appearing for the Appellant/Claimant submitted that the Tribunal went wrong in fixing income of the deceased as Rs.14,000/- p.m., as against Rs.30,000/- since he worked as a welder. It has also erred in awarding Rs.40,000/- only towards the loss of love and affection. It had wrongly awarded very meagre amount of Rs.15000/- towards loss of estate and Rs.15000/- towards funeral expenses. The Tribunal awarded only a sum of Rs.21,96,800/- as against the claim of Rs.40,00,000/- not considering the economic situation at the time of the accident. Hence, he prayed to enhance the compensation.

6. Per contra, the learned counsel appearing for the respondent/Insurance Company has submitted that the compensation claimed by the appellant is highly excessive and baseless. He further submitted that the Tribunal after analysing the evidences on record, has rightly awarded the compensation to the appellant/claimant and hence, the award passed by the Tribunal does not warrant any interference by this Court. Hence, he prays for dismissal of the appeal.

7. On perusal of records, it is seen that the appellants/claimants are the



CMA.No.1061 of 2025

parents of the deceased. The deceased was aged about 19 years at the time of accident and he was working as a welder. But the Tribunal without taking into consideration the present cost of living, has erroneously fixed a meagre sum of Rs.14,000/- p.m., as the monthly income of the deceased.

8. This court, considering the cost of living at the time of accident and his occupation, is inclined to fix Rs.600/- per day and thus a sum of Rs.18,000/- p.m., ($\text{Rs.}600 \times 30 = 18000$) is fixed as the monthly income of the deceased. Thus, the award under the head of loss of income/dependency is fixed at **Rs.27,21,600/-** ($18000 + 40\% = 7200$; $18000 + 7200 = 25200$; $25200 \times 12 = 302400$; $302400 \times 18 = 54,43,200$; $54,43,200 \times 1/2 = 27,21,600/-$).

9. Insofar as the heads such as loss of estate, loss of consortium, funeral expenses and transportation charges including damages to personal belongings are concerned, the Tribunal has granted a just and fair compensation and hence, they do not call for any interference of this court and the same remains unaltered.

10. In the light of the above discussion, the compensation awarded by



the Tribunal is modified as follows:

<i>Sl.No.</i>	<i>Head</i>	<i>Compensation awarded by the Tribunal</i>	<i>Compensation awarded by this Court</i>
1.	Loss of income/dependency	21,16,800/-	Rs.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/-
5.	Transportation charges including damages to personal belongings	10,000/-	10,000/-
6.	Total	21,96,800/-	28,01,600/-

The amount is rounded off to **Rs.28,02,000/-**

11. Thus, the appellant/claimant is entitled to the enhanced compensation of Rs.28,02,000/- (Rupees Twenty Eight Lakhs and Two Thousand only).

12. The Civil Miscellaneous Appeal is partly allowed. No costs.

13. The respondent/Insurance Company is directed to deposit the enhanced compensation as ordered above, less the amount if any already deposited, within a period of eight weeks from the date of receipt of a copy



CMA.No.1061 of 2025

of this judgment.

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14. Since the 2nd appellant/father of the deceased also died during the pendency of the appeal, the first appellant alone is entitled to the enhanced compensation amount. In order to meet out expenses, the first appellant is **permitted to withdraw her respective share amount as ordered by the Tribunal by filing necessary application before the Tribunal and by producing her bank details. Half of the amount is ordered to be withdrawn by her.**

15. Since the compensation amount now awarded is Rs.28,02,000/-, it is made clear that the first claimant has to pay the appropriate Court fee in order to receive the enhanced award amount.

05.08.2025

Index : Yes/No
Internet : Yes/No
gv

To

6/8



CMA.No.1061 of 2025

1.The Motor Accident Claims Tribunal
(Chief Judge, Court of Small Causes, Chennai)

2. Managing Director,
TNSTC, Villupuram Ltd.,
Kanchipuram Region, Kancheepuram District
Branch Office, Managing Director
TNSTC Villupuram Ltd.,
Kanchipuram Region, Koyambedu bus stand
Koyambedu, Chennai

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

T.V.THAMILSELVI.,J
gv



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CMA.No.1061 of 2025

C.M.A.No.1061 of 2025

05.08.2025