IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2025

CORAM

THE HONOURABLE MRS.JUSTICE R. KALAIMATHI

CMA No. 2857 of 2025

1. Velvizhi
2. Minor Shrisharvanthan
3. Minor Mithran
4. Ranganayagi
5. Nagarajan

Appellants

vs

The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
No.12, Ramakrishna Road,
Salem-7

.. Respondent

PRAYER:

Civil Miscellaneous Appeal is filed under section 173 of the Motor Vehicles Act against the Order made in MCOP. No.111 of 2019 dated 24.09.2019 on the file of Special District Court for Motor accident Claims Cases, Krishnagiri.

For Appellants : Mr. S.P. Yuvaraj

For Respondent : Mr. D.Nithin

JUDGMENT

By consent of both parties, the appeal is heard and disposed of at the stage of admission itself.

2. This Civil Miscellaneous Appeal has been preferred by the legal heirs

of the deceased Saravanan against the Award dated 24.09.2019 made in MCOP.No.111 of 2019 on the file of MACT, Special District Court for Motor Accident Claims Cases, Krishnagiri for enhancement of compensation.

3. The parties are indicated herein as per their litigative status and ranking before the Tribunal.

4. The legal heirs of the deceased Saravanan filed a Claim Petition under section 166 of the Motor Vehicles Act, claiming compensation of Rs.50 lakhs for the death of the above said person in a road traffic accident that occurred on 22.04.2018.

5. The Tribunal upon consideration of the oral and documentary evidence and after hearing the arguments advanced by either side, granted compensation of Rs.19,19,400/- with interest at the rate of 7.5% per annum from the date of petition.

6. The amounts awarded by the Tribunal under various heads are given hereunder:

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S.No.	Heads	Compensation granted by tribunal (in Rs.)
1	For Loss of dependency	18,44,400/-
2	For loss of consortium	30,000/-
3	For loss of estate	20,000/-
4	For funeral expenses	15,000/-
5	For loss of love and affection	40,000/-
	Total	**19,19,400/-**

6. Learned counsel for the appellant would strenuously argue that the deceased was working as Car Driver, aged about 33 years at the relevant point of time and it was claimed that he was earning Rs.30,000/- per month. However, the Tribunal fixed the notional income of the deceased at Rs.9000/- is very less. As regards the loss of consortium, the amount awarded by the Tribunal is inadequate.

7. Per contra, the learned counsel for the sole respondent / TNSTC would putforth that in consideration of the oral and documentary evidence on the claimant side, the Tribunal has granted a reasonable compensation and it does not warrant any interference by this Court.

8. It has come on record through the evidence of PW1 that the deceased was working as Car Driver and had been earning a sum of Rs.30,000/- per month. Ex.P.22 is the copy of the Driving Licence of the

deceased. To substantiate the income of the deceased, no document was marked . As per Ex.P.2-Post Mortem Certificate, the age of the deceased was taken as 33 years. In consideration of the above said details, the notional income of deceased is fixed at Rs.14,000/- per month.

9. As per the law laid down by the Honourable Supreme Court in the case of ***Sarla Verma Vs. Delhi Transport Corporation and others(2009 2 TNMAC 1 SC)***, the relevant multiplier to be adopted is 16m and for personal and living expenses, as the claimants are five in number (wife, two minor children and parents) 1/4th has to be deducted for computing the loss of dependency.

10. As held in the case of ***National Insurance Company Ltd. Vs. Pranay Sethi and others (2017) 2 TNMAC 609 SC***, the Honourable Supreme Court has standardised the details of future prospectus, for the age group of persons below 40 years, 40% is to be added for computing the loss of dependency. For computing loss of dependency, the following formula emerges

Rs.14,000 + 40% - ¼ x 12 x 16m = Rs.28,22,400/-

11. Towards loss of consortium and towards loss of love and affection, the Tribunal has granted Rs.70,000/- (Rs.30,000 + Rs.40,000). Considering the fact that the claimants being wife, children and parents, having lost the love and affection and support of the deceased, a sum of Rs.1,30,000/- is

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granted in addition to the amount already awarded by the Tribunal under the above stated head. As regards the other heads, the amounts awarded by the Tribunal appears to be reasonable and acceptable and hence, it does not warrant any interference.

12. The amounts awarded as mentioned supra, after re-work is tabulated hereunder

S. No.	***Heads***	***Compensation granted by tribunal (in Rs.)***	***Compensation granted by this Court (in Rs.)***	
1	For Loss of dependency	18,44,400/-	28,22,400/-	enhanced
2	For loss of consortium and loss of love and affection	70,000/-	2,00,000/-	enhanced
3	For loss of estate	20,000/-	20,000/-	confirmed
4	For funeral expenses	15,000/-	15,000/-	confirmed
	Total	**19,19,400**	**30,57,400/-**	**enhanced**

13. Thus, this Court awards Rs.**30,57,400/-** towards compensation for the claimants along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

14. In the result,

- The Civil Miscellaneous Appeal is partly allowed. No costs.
- The compensation awarded by the Tribunal is enhanced from **Rs. 19,19,400 /-** to **Rs.30,57,400/-.**
- The respondent/TNSTC is directed to deposit the enhanced

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compensation of **Rs.30,57,400/-** awarded by this Court to the credit of MCOP.No.111 of 2019 on the file of Motor Accident Claims Tribunal, Special District Court for Motor Accident Claims Cases, Krishnagiri along with interest at the rate of 7.5% per annum from the date of petition, till the date of realisation, (excluding the period of default, if any) less the amount, if any deposited, within a period of eight weeks from the date of receipt of a copy of this judgment.

- On such deposit, the appellants / claimants are at liberty to withdraw the award amount along with interest and costs, as per the apportionment made by the Tribunal, after adjusting the amount, if any already withdrawn, by filing relevant application before the Tribunal.
- The appellants/claimants shall pay the court fee for the enhanced compensation amount, if required. The Tribunal shall disburse the enhanced amount upon production of the certified copy showing proof of payment of court fee by the claimants/appellants.

msr **27.11.2025**
Index:Yes/No
Internet:Yes

To
The Special District Court for Motor accident Claims Cases, Krishnagiri.

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R.KALAIMATHI J.

msr

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