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CMA No. 1796 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 11-07-2025**

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**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**CMA No. 1796 of 2025**

**and**

**CMP.No.15783 of 2025**

The Commissioner Of Police  
O/o. Commissioner of Police,  
Coimbatore City, Huzur Road,  
Coimbatore - 018.

Appellant(s)

Vs

1.M Saranya  
2.K.Ragukumar

Respondent(s)

**PRAYER**

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to set aside the Judgement and Decree passed by the Motor Vehicle Accident Claims Tribunal / IV Additional District Judge, Coimbatore in MCOP.No. 43 of 2020 vide order dated 27.06.2024.

For Appellant(s): Mr.C.Sathish, Govt.Advocate

For Respondent(s): Mr.K.Ayyadurai For R1



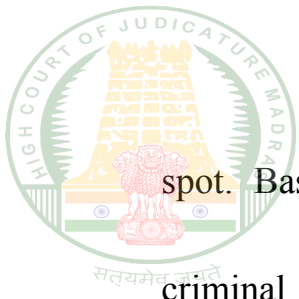
## **JUDGEMENT**

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The appellant has filed this appeal to set aside the judgement and decree dated 27.06.2024 in MCOP NO.43 of 2020 on the file of the Motor Accidents Claims Tribunal / IV, Additional District Judge, Coimbatore.

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

The 1st respondent herein / petitioner is the daughter of the deceased Kala. The petitioner and her mother, Kala (wife of late Muruges), were residing at No. 93 D, Siruvani Main Road, Perur, Coimbatore. The deceased Kala was aged about 55 years at the time of her death. She was employed as a chief (cook) with S.K. Kandasamy Traders, located at Door No. 240, Uppara Street, Coimbatore, earning a monthly income of Rs. 12,000/-. On 06.09.2019, while the deceased Kala was walking as a pedestrian from west to east on Raja Street near the Government Girls Higher Secondary School, Coimbatore, on her way to her place of employment, the 2nd respondent herein /1st respondent/ Ragukumar, who was driving a Police Omni Bus bearing Registration No. TN 38 G 0558 in a rash and negligent manner, dashed against her. As a result, Kala died on the

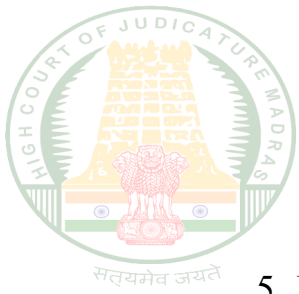


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spot. Based on the complaint given by the son-in-law of the deceased, a criminal case was registered in Crime No. 267/2019 by the T.I.W. West Police, Coimbatore. A post-mortem was conducted on the body of Kala on the same day at the Government Hospital, Coimbatore.

3. The learned counsel for the appellant contended that there was no negligence on the part of the driver of the bus owned by the appellant. He argued that the Tribunal had erroneously fixed liability upon the appellant. According to the appellant, the deceased Kala had also suddenly attempted to cross the road at the time of the accident and thereby contributed to the accident, and thus shared part of the negligence.

4. However, with respect to the fixation of entire liability on the appellant, a perusal of the records reveals that, as rightly pointed out by the 1st respondent, no oral evidence was adduced on the side of the appellant. The driver of the police bus was also not examined to substantiate the claim that the deceased suddenly attempted to cross the road.



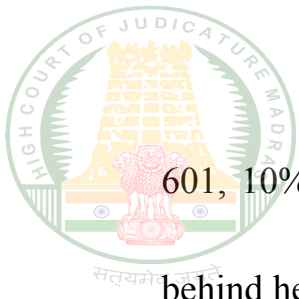
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5. In the absence of any supporting evidence, the objection raised by the appellant regarding contributory negligence on the part of the deceased cannot be sustained at this stage.

6. The learned counsel for the 1st respondent further submitted that the income of the deceased should be appropriately enhanced considering the cost of living in the year 2019.

7. On considering the submissions of both parties and on perusal of the records, it is evident that the deceased was working as a chief cook and earning of Rs.12,000/- per month. However, considering the cost of living in the year 2019, the tribunal erroneously fixed sum of Rs.22,000/- towards notional income is found to be higher, therefore, this Court is inclined to reduce the monthly income of the deceased at Rs.15,000/-.

8. 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, 10% is to be added towards future prospects. The deceased died leaving behind her legal heir, 1st respondent. Hence, 1/2 of the income is to be deducted

towards personal expenses. The deceased was aged 55 years at the time of the

accident, and as per the judgment in *Sarla Verma & Others v. Delhi Transport*

*Corporation & Another*, (2009) 6 SCC 121, the appropriate multiplier is 11.

9. Calculation:

- Notional Income: Rs. 15,000/-
- 10% Future Prospects: Rs. 15,000 + 1,500 = Rs. 16,500/-
- After 1/2 Deduction : Rs. 16,500 - 8250 = Rs. 8,250/-

Loss of Dependency: Rs. 8,250 × 12 × 11 = Rs. 10,89,000/-

10. The following table sets out the amounts awarded by the Tribunal and the revised amounts awarded by this Court:

| <i>Sl. No</i> | <i>Heads</i>       | <i>Amount Awarded by Tribunal</i> | <i>Amount Awarded by High Court</i> |
|---------------|--------------------|-----------------------------------|-------------------------------------|
| 1.            | Loss of Dependency | Rs. 11,61,600                     | Rs.10,89,000                        |
| 2.            | Funeral expenses   | Rs. 15,000                        | Rs. 15,000                          |
| 3.            | Loss of Estate     | Rs. 15,000                        | Rs. 15,000                          |
| 4.            | Loss of Consortium | Rs. 40,000                        | Rs. 40,000                          |
| <b>Total</b>  |                    | <b>Rs. 12,31,600</b>              | <b>Rs.11,59,000</b>                 |



Thus, the compensation awarded by the Tribunal is reduced from Rs.

12,31,600/- to Rs. 11,59,000/-, which shall carry interest at the rate of 7.5% per

annum.

**11. 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 reduced from Rs.12,31,600/- to Rs. 11,59,000/.

iii. The appellant is directed to pay the reduced compensation amount of Rs.11,59,000/ (after deducting any amount already deposited), along 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.43 of 2020 on the file of the Motor Accident Claims Tribunal / IV Additional District Judge, Coimbatore, within a period of twelve weeks from the date of receipt or uploading of a copy of this order.



iv. On such deposit being made by the appellant, the 1st respondent is at

liberty to withdraw the same as per the apportionment made by the Tribunal,

after following due process of law.

**11-07-2025**

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To  
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1. The Motor Vehicle Accident Claims  
Tribunal / IV Additional District Judge,  
Coimbatore.

2. The Section Officer, VR-Section,  
High Court of Madras.



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**T.V.THAMILSELVI J.**  
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