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CMA No. 1307 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1307 of 2025

1. Kumar
S/o. Ramalingam, Residing at No.87,
2nd Street, Siruvathur Post, Siruvathur,
Panruti Taluk-607 106

2. K Kumudha
W/o. Kumar, Residing at No.87, 2nd
Street, Siruvathur Post, Siruvathur,
Panruti Taluk-607 106

Appellant(s)

Vs

1. The Managing Director
Karnataka State Road Transport
Corporation, KH Road, Shanthi Nagar,
Bangaluru-560 027

Respondent(s)

PRAYER

Civil Miscellaneous appeal filed under Section 173 of Motor Vehicle Act, 1988, prays to allow the appeal and enhance the compensation in MCOP.No.241/2022 dated 13-02-2025 on the file of the Motor Accidents Claims Tribunal / Subordinate Court, Panruti.

For Appellant(s): Ms.Ramya V. Rao

For Respondent(s): Mr.T.Thiyagarajan



JUDGEMENT

The appellants have filed this appeal to enhance the compensation in MCOP.No.241 of 2022 dated 13-02-2025 on the file of the Motor Accidents Claims Tribunal / Subordinate Court, Panruti.

2. On considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.22,32,800/- as compensation, directing the respondent to pay the said amount to the appellants, along with interest at the rate of 7.5% per annum from the date of the petition till the date of realization (excluding the period of dismissal for default, if any).

3. 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.

4. The learned counsel for the appellant submitted that the injured was employed as an ITI Mechanical worker and was working in MRF Company under contract labour. However, the Tribunal had fixed his notional income at only Rs.14,000/- per month without considering his qualification and nature of employment. In support of his contention, the learned counsel relied on Exhibit B-16, the salary slip, which shows that the deceased was earning Rs.16,000/- per month. Hence, he prayed for modification of the income assessed.



5. The learned counsel for the respondent submitted that the Tribunal's fixation of Rs.14,000/- as monthly income, though slightly lower, is considered reasonable and needs no interference. He further submitted that the deceased was not wearing a helmet at the time of the accident, due to which he sustained head injuries. Hence, contributory negligence must be fixed on the part of the deceased.

6. On considering the submissions made on both sides, it is seen that at the time of the accident, the deceased was aged about 22 years. The accident occurred in the year 2022, and the deceased was unmarried. The documents produced show that he was employed as a temporary contract worker in MRF Company and was earning Rs.16,000/- per month.

7. Considering the cost of living and the nature of work in the relevant period, this Court is inclined to fix the monthly income at Rs.19,500/- (calculated at Rs.650 per day $\times$ 30 days), with an addition of 40% towards future prospects. Applying the multiplier of 18, the loss of dependency is recalculated accordingly. As the deceased was not wearing a helmet at the time of the accident, this Court fixes 10% contributory negligence on his part.



8. Calculation

Notional Income = Rs.19,500/-

40% Future Prospects = 19,500 + 7,800 = 27,300/-

After 1/2 deduction = 27,300 – 13,650 = Rs.13,650/-

Loss of dependency

= Rs.13,650 x 12m x 18

= Rs.29,48,400/-

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

Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Loss of Income / dependency	21,11,800	29,48,400
2.	Loss of Consortium (spouse)	88,000	88,000
3.	Funeral Expenses	16,500	16,500
4.	Loss of Estate	16,500	16,500
	Total	22,32,800	30,69,400
	Less 10% Contributory negligence	Nil	3,06,940
	Total		27,62,460

Thus, the compensation awarded by the Tribunal is enhanced from Rs.22,32,800/- to Rs.27,62,460/-, which shall carry interest at the rate of 7.5% per annum.



10. In the result:

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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.22,32,800/- to Rs.27,62,460/-.

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 the receipt of the Court fee.

iv. The respondent, the Managing Director, Karnataka State Road Transport Corporation, Bangaluru-560 027, is directed to deposit the enhanced compensation amount, i.e., Rs.27,62,460/- (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. 241 of 2022 on the file of the Motor Accident Claims Tribunal / Subordinate Court, Panruti, within a period of eight weeks from the date of receipt or uploading of a copy of this order.

v. On such deposit being made by the 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.

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Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To

1. The Managing Director
Karnataka State Road Transport
Corporation, KH Road, Shanthi Nagar,
Bangaluru-560 027.
2. The Motor Accidents Claims Tribunal
/ Subordinate Court, Panruti.
3. The Section Officer,
VR-Section, High Court of Madras.



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T.V.THAMILSELVI J.
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