IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 3046 of 2021
and
CMP.No.17312 of 2021

1. The Managing Director
Tamil Nadu State Transport
Corporation, Byepass Road,
Madurai-625010

Appellant(s)

Vs

1. K.Shahul Hammeed
S/o.Kadarkutty Rowthar, At No.27-2,
Ward No.54, Royal Nagar, Coimbatore,
Coimbatore Corporation-641008

2.MUMTAJ
W/o.Shahul Hameed, At No.27-2,
Ward No.54, Royal Nagar,
Coimbatore, Coimbatore Corporation-
641008

3.S.Thangamani
S/o.Seenivasagam, At No.1/72d,
T.Kamarajapuram, T.Sedapatti Po,
R.R.Nagar (via), Virudhunagar-626204

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to set aside the Decree and Judgment dt. 31.07.2019 made in MCOP No.872/2015 on the file of the Motor Accident Claims Tribunal, IV Additional District Judge, Coimbatore.

For Appellant(s): Ms.K.Sathiya Bama

For Respondent(s): Ms.T.Kalpana Devi For
Mr.V.Sivakumar For Rr1 And R2
R3 - Exparte

JUDGMENT

The appellant has filed this appeal against the award passed in MCOP.No.872 of 2015 on the file of the Motor Accident Claims Tribunal, IV Additional District Judge, Coimbatore, dated 31.07.2019.

2. On considering the oral and documentary evidence, the Tribunal allowed the claim petition and awarded a sum of Rs.12,45,600/- as compensation, directing the respondents therein, namely the appellant / insurance company as well as the 3rd respondent / owner of the vehicle, to pay the said amount to the claimants, along with interest at the rate of 7.5% per annum from the date of the petition till the date of realization.

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

4. The learned counsel appearing for the appellant contended that the Tribunal ought not to have added 50% of the actual income with regard to the future prospects. Further, the Tribunal had fixed the monthly income of the deceased at Rs.7,500/-especially, when no proof of income was filed by the claimants. He further contended that the monthly income of the deceased should be reduced and, accordingly, the compensation awarded by the Tribunal should be scaled down.

5. The learned counsel appearing for the respondents 1 & 2 / claimants contended that the deceased was a electrical contractor and earning a sum of Rs.20,000/- per month. He further contended that the Tribunal had fixed the

notional income of the deceased at Rs.7,500/- per month and deducted 1/2 towards his personal expenses.

6. The deceased was working as a electrical contractor. However, no documentary evidence was adduced by the claimants to substantiate their claim that the deceased was earning a sum of Rs.20,000/- per month as mentioned in their claim petition. In the circumstances, considering the accident of the year 2015, this Court is of the opinion that fixing the notional monthly income of the deceased at Rs.9,000/- would meet the ends of justice.

7. As per the decision of the Hon'ble Supreme Court in ***National Insurance Co. vs Pranay sethi and others,*** reported in ***2017 (2) TNMAC 601, 40%*** is to be added towards future prospects of the deceased. The deceased died, leaving behind the claimants, who are his parents. The deceased was aged 24 years at the time of the accident, an unmarried man. Hence, 1/2 of the income is to be deducted towards the deceased's personal expenses. As per the decision rendered in ***Sarla Verma and others vs. Delhi Transport Corporation and***

another, reported in ***(2009) 6 SCC 121,*** the proper multiplier to be adopted in the instance case is 18. The compensation awarded under the other heads by the Tribunal is confirmed.

8. <u>Calculation</u>

Notional Income = Rs.9,000/-

40% Future Prospects = 9,000 +3,600 = 12,200/-

After 1/2 deduction = 12,600 – 6,300 = Rs.6,300/-

<u>Loss of dependency</u>

= Rs.6,300 x 12m x 18

= Rs.13,60,800/-

9. The following tabular column sets out the amounts awarded by the Tribunal and the revised 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 dependency	12,15,000	13,60,800
2.	Loss of estate	15,000	15,000
3.	Funeral expenses	15,000	15,000
	Total	**12,45,000**	**13,90,800**

Thus, the compensation awarded by the Tribunal is enhanced from Rs.12,45,000/-, to Rs.13,90,800/-, which shall carry interest at the rate of 7.5% per annum.

10. In the result,

(i) The Civil Miscellaneous appeal is partly allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(ii) The compensation awarded by the tribunal is enhanced from Rs.12,45,000/-, to Rs.13,90,800/-.

(iii) The appellant / Tamil Nadu State Transport Corporation, Madurai, is directed to deposit the revised compensation amount of Rs.13,90,800/- together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit (less the amount already deposited by them), within a period of eight weeks from the date of receipt of a copy of this order.

(iv) On such deposit being made by the appellant/ Tamil Nadu State Transport Corporation, Madurai, the respondents 1 & 2 herein / claimants are at liberty to withdraw their shares 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
rri

To

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

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

T.V.THAMILSELVI J.
rri

CMA No. 3046 of 2021
and
CMP.No.17312 of 2021

11-07-2025