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CMA No. 1773 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1773 of 2024

1. Brinda Priadarshini Wife Of
Venkateshwaran (deceased)
No 340/1 South street Near
Government School Komangalam
Inamkulathur Pudukottai 622 316

2. S Ambika
M/o. Venkateshwaran(Deceased),
Residing at No.340/1, South Street,
Near Government School,
Komangalam, Inamkulathur,
Pudukottai-622 316

Appellant(s)

Vs

1. The Managing Director
Metropolitan Transport Corporation
Ltd,
Pallavan Salai, Chennai-600 002



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CMA No. 1773 of 2024



Respondent(s)

CMA No. 1773 of 2024

PRAYER

To set aside the order dated 05-09-2023 passed in MCOP.NO.6799/2018 by the Learned IV Small Causes Court, Chennai

CMA No. 1773 of 2024

For Appellant(s): Mr.S.Giritharan

For Respondent(s): Mr.M.Murali Vinodh

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to set aside the order dated 05-09-2023 passed in MCOP.NO.6799/2018 by the Learned IV Small Causes Court, Chennai.

2. On 21.11.2017 the deceased was travelling in his two wheeler bearing registration No. TN 22 DF 1757 in EVR road from West to East near KMC hospital, Chennai, the MTC bus bearing registration No. TN 01 N 5348 belonging to respondent corporation also was proceeding in the same direction, while crossing the bike rode by the deceased, due to the rash and negligent manner of driving of the driver of the bus, left side of the respondent

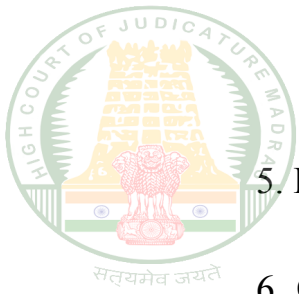


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corporation bus dashed against the deceased due to which the deceased sustained injury and died on 06.12.2017. Thereafter, the claimants filed the petition before the tribunal claiming compensation. The respondent Corporation contested the case by filing counter. After considering the oral and documentary evidence, the tribunal awarded compensation. Challenging the quantum of compensation, the claimants filed this appeal.

3. The learned counsel for the appellant submits that without taken into consideration average salary of the deceased the tribunal has fixed only Rs.16,655/- as income of the deceased as such is erroneous and liable to be set aside. Further, he submits that instead of filing Medical bills claimants have inadvertently filed the hospital deposit slip before the tribunal due to that the tribunal has not awarded the compensation under the head of medical bills. Now, he produced the medical bills of the deceased for the period from 21.11.2017 to 06.12.2017 which comes around Rs.19,90,000/-. Hence, he prays to enhance the compensation.

4. The learned counsel for the respondent submits that the tribunal passed the award which needs no interference.



5. Heard both sides.

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6. On verification of the medical bills produced by the claimants, which shows that the first claimant duly made the payment at the instruction of the hospital authorities, who deposited the amount then and there to that effect she produced the deposit receipt with the seal of the hospital. Further, the claimants have produced the medical bill which was marked as Ex.P24 but tribunal has failed to consider the fact that deceased has taken treatment in the hospital for 15 days, the medical bills produced by the claimants shows that the claimant paid a sum of Rs.19,90,000/- as medical bills. Hence, the claimants are entitled to Rs.19,90,000/- under the head of medical bills.

7. Further as per the salary slip, the deceased has earned Rs.18,500/- but the tribunal has fixed only Rs.16,655/- as income of the deceased. The accident was happened in the year 2017 and also the deceased graduated MBA degree in the reputed institute. Hence, this Court is inclined to fix Rs.18,500/- as notional income of the deceased. Accordingly, the claimants are entitled to Rs.35,22,400/-(18,500+7400 x12x17(1/3) under the head of loss of dependency.

8. The deceased died leaving behind his mother and wife as his legal



heirs. Further, the deceased mother is aged about 60 years and wife is aged about 34 years. Considering the above, both the claimants/wife and mother of

the deceased are directed to divide the compensation equally. Except above modification, the award passed by the tribunal remain unchanged.

9. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-

S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
1.	Loss of income/dependency	Rs.31,71,112/-	Rs.35,22,400/-
2.	Loss of estate	Rs.16,500/-	Rs.16,500/-
3.	Loss of consortium	Rs.88,000/-	Rs.88,000/-
4.	Funeral expenses	Rs.16,500/-	Rs.16,500/-
5.	Transportation charges	Rs.5,500/-	Rs.5,500/-
6.	Medical Expenses	Nil	Rs.19,90,000/-
	Total	Rs.32,97,612/-	Rs.56,38,900/-

10. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to **Rs.56,38,900/-**. The respondent is directed to deposit the said amount together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of MCOP.NO.6799/2018 on the file of the Learned IV Small Causes Court,



Chennai, within a period eight weeks from the date of receipt of a copy of this

judgement. On such deposit, the appellant/claimant is permitted to withdraw the

award amount by making formal application before the Tribunal. The

respondent may deduct the amount, if any amount has already deposited before

the tribunal. In so far as the enhanced compensation is concerned, the deficit

court fee, if not paid, shall be paid by the claimant(s).

11. With the above direction, the Civil Miscellaneous Appeal is partly
allowed. No costs.

24-07-2025

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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 Metropolitan
Transport Corporation Ltd
Pallavan Salai, Chennai-600 002.
2. The Section Officer, V.R Section,
High Court, Madras.
3. The IV Small Causes Court, Chennai



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T.V.THAMILSELVI J.

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