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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.Nos.1485 and C.M.P.No. 12921 of 2025
and C.M.A.No. 1949 of 2025

C.M.A.Nos.1485 of 2025

The Managing Director,
Tamil Nadu State Transport
Corporation, (VPM) Ltd Division III
Ponnerikarai, Karai Village and Post
Kancheepuram ... Appellant in C.M.A.No.1485 of 2025

Vs.

1. Nathiya

2. Kumar ... Respondents in C.M.A.No.1485 of 2025

C.M.A.Nos.1949 of 2025

1. Nathiya

2. Kumar ... Appellants in C.M.A.No.1949 of 2025

Vs.

The Managing Director,
Tamil Nadu State Transport
Corporation, (VPM) Ltd Division III
Ponnerikarai, Karai Village and Post
Kancheepuram ... Respondent in C.M.A.No.1485 of 2025



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PRAYER in C.M.A.No.1485 of 2025: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the award and decree dated 21.08.2024 made in M.C.O.P.No.197 of 2022 on the file of the Motor Accident Claims Tribunal Judge, Additional District Court (FTC) Kanchipuram and allow the above C.MA.

PRAYER in C.M.A.No.1949 of 2025: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the claim amount passed in Judgment and Decree dated 21.08.2024 made in M.C.O.P.No.197 of 2022 on the file of the Motor Accident Claims Tribunal Judge, Additional District Court (FTC) Kanchipuram and allow the above C.MA.

(In C.M.A.No.1485 of 2025)

For Appellant : Mr.C.R. Suresh Kumar
For Respondent-2 : Mr.C. Prapakaran

(In C.M.A.No.1949 of 2025)

For Appellant : Mr. C.R. Suresh Kumar
For Respondent-2 : Mr. C. Prapakaran

COMMON JUDGMENT

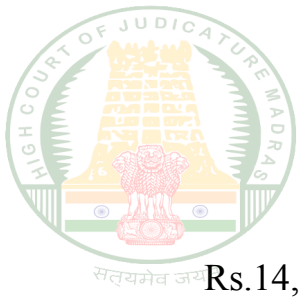


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2. The brief facts of the case is as follows:

On 22.03.2022 at about 14:15 hours near J.J.Nagar Thavittu Mill situated at Sirukaveripakkam Village on the Vellore to Kanchipuram road when the deceased K.Nirmal was riding his motor cycle bearing Registration No. TN-21-AU- 6810 the Government bus belonging to the Tamil Nadu State Transport Corporation came in the opposite direction and hit the motor cycle. Due to which the motorcyclist was thrown away from the motor cycle and sustained multiple injuries all over the body and died on the spot. Hence, the parents of the deceased have filed a claim petition before the Tribunal seeking compensation for a sum of Rs.39,10,000/-

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of



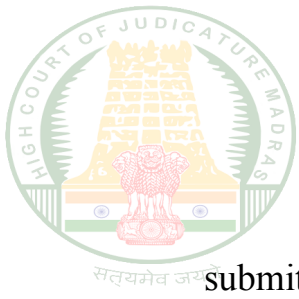
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Rs.14,47,800/- as compensation, directed the Tamil Nadu State Transport Corporation to pay the said amount to the legal heirs of the deceased along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

4. Challenging the negligence and quantum of compensation the Tamil Nadu State Transport Corporation has filed the C.M.A.No.1485 of 2025, To enhance the quantum the quantum of compensation awarded by the Tribunal the claimants/ Nathiya and Kumar has filed the C.M.A.No.1949 of 2025.

5. The learned counsel appearing for the appellant in C.M.A.No.1485 of 2025 and the respondent in C.M.A.No.1949 of 2025 submitted that Tribunal erred in fixing the negligence on the part of the driver of the bus and wrongly held that the Transport Corporation is liable to pay the compensation.

6. On the other hand, the learned counsel for the appellants in C.M.A.No.1949 of 2025 and the respondent in C.M.A.No.1485 of 2025



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submitted that the amount awarded by the Tribunal is very low. Hence, prays to enhance the compensation.

7. Heard both sides and perused the materials available on record.

8. On n analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.13,60,800/- towards loss of income; Rs.44,000/- towards loss of Consortium; Rs.16,500/- towards Funeral expenses; Rs.16,500/- towards loss of estate; Rs.10,000/- towards Transporting charges. Thus the total compensation is quantified to Rs.14,47,800/-

9. Considering the age of the deceased and his qualification, this Court is inclined to enhance his monthly income to Rs.18,000/- from Rs.9,000/-. As per the dictum laid by the Hon'ble Apex Court, 10% is to be added towards future prospects and considering the age of the deceased the correct multiplier to be adopted is “18”.

Calculation

Monthly Income = Rs.18,000/-



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10% Future Prospects = 18,000 + 1,800 = 19,800/-

½ Deduction towards personal expenses = Rs.9,900/-

(Rs.19,800x1/2)

Loss of Income

= Rs.9,900 x 12 x 18

= Rs.21,38,400/- With regard to loss of consortium the same is

enhanced to Rs. 88,000/- The amount awarded under other heads remains intact. Further Considering the facts of the case and the manner of the accident, this Court is inclined to fix 10 % as contributory negligence on the part of the deceased.

10. 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	Rs.13,60,800/-	Rs.21,38,400/-



2.	Loss of Consortium	Rs.44,000/-	Rs.88,000/-
3.	Funeral expenses	Rs.16,500/-	Rs.16,500/-
6	Loss of Estate	Rs.16,500/-	Rs.16,500/-
7	Transporting Charges	Rs.10,000/-	Rs.10,000/-
8	Total	Rs.14,47,800/-	Rs. 22,69,400/-
8	10% of contributory negligence		Rs.2,26,940/-
			Rs.20,42,460/-

Thus, the compensation awarded by the Tribunal is enhanced to

Rs.20,42,460/- from Rs.14,47,800/-

, which shall carry interest at the rate of 7.5% per annum.

C.M.A.No.1485 of 2025

11. 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 modified to **Rs.20,42,460/- from Rs.14,47,800/-**

iii. The Appellant/Tamil Nadu State Transport Corporation is directed to pay the Court fee if any. The Registry is directed to draft the decree only after the receipt of the Court fee.



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iii. The Appellant /Tamil Nadu State Transport Corporation, is directed to deposit the modified compensation amount, i.e., **Rs.20,42,460/-**, (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 **Motor Accident Claims Tribunal Judge, Additional District Court (FTC) Kanchipuram** within a period of eight weeks from the date of receipt or uploading of a copy of this order.

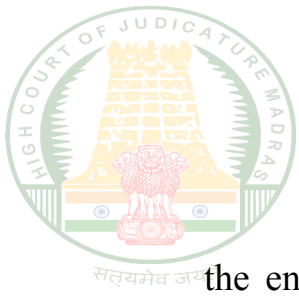
v. On such deposit being made, the respondents /claimants are at liberty to withdraw the same, after following due process of law.

C.M.A.No.1949 of 2025:

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.14,47,800/- to Rs.20,42,460/-**,

iii. The appellants/claimants are directed to pay the Court fee for



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the enhanced compensation amount, if any. The Registry is directed to draft the decree only after the receipt of the Court fee.

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/Tamil Nadu State Transport Corporation is, is directed to deposit the enhanced compensation amount, i.e., **Rs.20,42,460/-**, (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 **Motor Accident Claims Tribunal Judge, Additional District Court (FTC) Kanchipuram** 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, the appellant/claimants are at liberty to withdraw the same, 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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07.08.2025

Index:Yes/No

Speaking/non Speaking order

Neutral Case citation: yes/no

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To

1. The Motor Accident Claims Tribunal Judge, Additional District Court
(FTC) Kanchipuram

2.The Managing Director,
Tamil Nadu State Transport
Corporation, (VPM) Ltd Division III
Ponnerikarai, Karai Village and Post
Kancheepuram.

3. The Section Officer, V.R. Section, High Court of Madras.

T.V.THAMILSELVI, J.

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