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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2287 of 2024

1.Guhan
2.Abinaya
3.Senthilkumar

... Appellants

Vs.

The Managing Director
Tamil Nadu State Transport Corporation Ltd
Bharathipuram
Dharmapuri.

... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, as against the judgment and decree dated 19.10.2019 made in M.C.O.P No.317 of 2018 on the file of the Motor Accidents Claims Tribunal, Special District Court, Krishnagiri.

For Appellants : Mr.C.Prabakaran

For Respondent : Mr.Nithin

JUDGMENT



WEB COPY The appellants have filed this appeal against the Decree and Judgment dated 19.01.2019 passed in M.C.O.P.No.317 of 2018, by the Motor Accident Claims Tribunal/ Special District Court, Krishnagiri.

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

On 01.12.2017 at about 18.30 hours, at Dam Road Flyover Southern Side down, when the deceased along with his family members were travelling in a Car bearing Reg.No. TN-24-Q 0156, which was driven by the husband of the deceased from Dharmapuri to Krishnagiri Road, at that time a TNSTC bus bearing Reg.No.TN-29-N-2473 belonging to the respondent came from Krishnagiri side to Dharmapuri side, in a rash and negligent manner and all of a sudden, the driver had lost his control and crossed the center median of the road and dashed against the car, which was coming in the other lane. Due to the sudden impact, the deceased and her family members have sustained grievous injuries and he died on the way to hospital. Hence, the legal heirs of the deceased has filed a claim petition before the Tribunal seeking compensation for a sum of Rs.2,00,00,000/-.



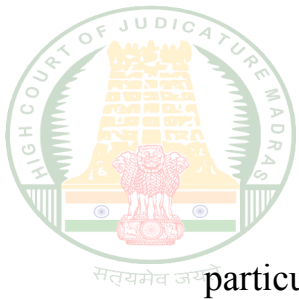
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3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.13,50,000/- as compensation, directed the respondent to pay the said amount to the appellants along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

4. 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.

5. The learned counsel for the appellants submitted that the deceased was qualified with Master degree along with Teacher Training Diploma Course and she was working a private school and earning a sum of Rs.60,000/- per month at the time of accident. Without considering her qualification as well as her salary, the Tribunal has erroneously fixed Rs.9000/- towards the monthly income of the deceased. Hence prays to enhance the compensation by allowing this petition.

6. On the other hand, the learned counsel appearing for the respondent contended that the appellants have not produced any salary



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particulars of the deceased before the Tribunal and hence, the Tribunal had rightly fixed the notional income and the award passed by the Tribunal is based on well-settled principles of law applicable at the time of the order, and therefore, it need not be interfered.

7. Heard the learned counsel on either side and perused the materials available on record.

8. On an analysis of the award of the Tribunal would go to show that the Tribunal has awarded Rs.12,60,000/- for loss of dependency; Rs.20,000/- towards loss of estate; Rs.15,000/- towards funeral expenses; Rs.30,000/- towards love and affection and Rs.25,000/- towards loss of consortium.

9. On perusal of records would reveal that the deceased was qualified with Master degree and also possess diploma in Teacher Education. However, the appellants/claimants have not produced any salary particulars. In the absence of material evidence, the Tribunal fixed a sum of Rs.9,000/- as monthly income of the deceased, who died in the



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accident that had occurred in the year 2017, which is meager. However, considering the educational qualification of the deceased and the rise in cost of living and other related factors, it would be appropriate to fix a sum of Rs.16,000/- towards monthly income of the deceased. Accordingly, the loss of income is modified as follows:

Calculation

Notional Income = Rs.16,000/-

25% Future Prospects = 16,000 + 4,000 = 20,000/-

After 1/3 deduction = 20,000 – 6,667 = Rs.13,333/-

Loss of dependency

= Rs.13,333 x 12 x 14

= Rs. 22,39,944/-

The compensation awarded under the head of funeral expenses is reasonable and does not require interference of this Court.

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



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1.	Loss of Dependency	12,60,000/-	22,39,944/-
2.	Loss of Estate	20,000/-	15,000/-
3.	Funeral Expenses	15,000/-	15,000/-
4.	Love and affection	30,000/-	80,000/- (40000 x 12)
5	Loss of consortium	25,000/-	Nil
	Total	Rs13,50,000/-	Rs.23,49,944/- rounded off to Rs.23,49,950/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.13,50,000/- to Rs.23,49,950/-**, 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 enhanced from **Rs.13,50,000/- to Rs.23,49,950/-**.
- 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/Transport Corporation, is directed to deposit the enhanced compensation amount, i.e., **Rs.23,49,950/-**, (after deducting the amount already deposited), together with interest at the rate of 7.5% per



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annum from the date of the claim petition till the date of deposit, to the credit of M.C.O.P.No.317 of 2018 on the file of the District Judge, Motor Accident Claims Tribunal at Krishnagiri, 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 appellants/claimants are at liberty to withdraw the same as per the ratio of apportionment fixed 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.

19.08.2025

Index:Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no

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T.V.THAMILSELVI, J.

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To

1. The Motor Accidents Claims Tribunal/District Judge, Krishnagiri

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2. The Managing Director
Tamil Nadu State Transport Corporation Ltd
Bharathipuram
Dharmapuri.

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

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