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CMA No.1581 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1581 of 2025

1.Sabura

2.Sulthan Basha

... Appellants

Vs.

The Managing Director,
Metropolitan Transport Corporation Ltd.,
No.2, Pallavan House, Anna Salai,
Chennai-600 002.

... Respondents

PRAYER : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to set aside the judgment and decree dated 03.01.2024 passed in MACT.O.P.No.3196 of 2020, on the file of the Motor Accidents Claims Tribunal, Chennai, Chief Judge Court of Small Causes, Chennai.

For Appellants : Mr.F.Terry Chella Raja

For Respondent : Mr.M.Murali Vinodh

JUDGMENT

The appellants have filed this appeal against the award passed in M.C.O.P.No.3196 of 2020, on the file of the Motor Accidents Claims Tribunal, Chennai, Chief Judge Court of Small Causes, Chennai.



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2. The brief facts of the case of the appellants/claimants are as follows: The appellants / petitioners are parents of the deceased Master Nagoor Meeraan Hussain. On 27.09.2020 at about 2.30 p.m while the victim was standing in front of his house near Ariyanvoyal Jegan Nagar, the respondent's bus bearing registration No.TN01 AN 1541, Route O.595 coming from Minjur to Kattur Road, in a rash and negligent manner, dashed against the victim, due to the impact the victim sustained fatal injuries and died on the spot instantly. At the time of accident, the deceased was aged 10 years. He was studying VI standard in Anjuman -e - Himayath -E-Islam School. The respondent being the owner of the bus.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs. 10,10,000/- 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).



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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 at the time of accident the deceased was aged about 10 years and studying VI standard in Anjuman -e - Himayath -E-Islam School. The Tribunal fixed the monthly income of the deceased as only Rs.10,000/-, without considering the future prospects and other pecuniary aspects.

6. On the other hand, the learned counsel appearing for the respondent contended that 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. The deceased was aged about 10 years and studying VI standard in Anjuman -e - Himayath -E-Islam School. The Tribunal rightly fixed his monthly income as Rs.10,000/-, but failed to consider the aspect of future prospects. Therefore, as per the decision of the Hon'ble Supreme Court in



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National Insurance Co. vs Pranay sethi and others, reported in **2017 (2)**

TNMAC 601, 40% has to be added towards future prospects of the deceased. The deceased died, leaving behind the appellants, who are his parents of the deceased. Hence, 1/2 of the income is to be deducted towards the deceased's personal expenses. The deceased was aged 10 years at the time of the accident, and 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 15. The compensation awarded under the other heads by the Tribunal is confirmed.

8. Calculation

Notional Income = Rs.10,000/-

40% Future Prospects = 10,000 +4,000 = 14,000/-

After ½ deduction = 14,000 –7,000= Rs.7,000/-

Loss of dependency

= Rs.7,000 x 12m x 15

= Rs.12,60,000/-

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



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Sl. No	Heads	Amount (in Rs.) awarded by the Tribunal	Amount (in Rs.) awarded by the High Court
1.	Loss of dependency	9,00,000	12,60,000
2.	Transport Charges	15,000	15,000
3.	Funeral expenses	15,000	15,000
4.	Loss of Consortium	80,000	80,000
	Total	Rs.10,10,000	Rs.13,70,000

Thus, the compensation awarded by the Tribunal is enhanced from Rs.10,10,000/- to Rs.13,70,000/-, which shall carry interest at the rate of 7.5% per annum.

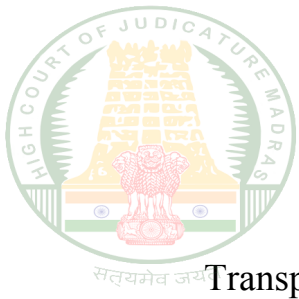
10. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs.

ii. The compensation awarded by the Tribunal is enhanced from Rs.10,10,000/- to Rs.13,70,000/-.

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 The Managing Director, Metropolitan



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Transport Corporation Ltd., Chennai, is directed to deposit the enhanced compensation amount, i.e., Rs.13,70,000/- (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 MACT.O.P.No.3196 of 2020, on the file of the Motor Accidents Claims Tribunal, Chennai, Chief Judge Court of Small Causes, Chennai, 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
Neutral Case citation: yes/no
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2.The Managing Director,
Metropolitan Transport Corporation Ltd.,
No.2, Pallavan House, Anna Salai,
Chennai-600 002.

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

T.V.THAMILSELVI, J.



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