



WEB COPY

CMA No. 1830 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A No. 1830 of 2025

1. VIJAYALAKSHMI

2. Loganathan

Appellant(s)

Vs

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

Respondent(s)

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree dated 10-11-2023 in MACTOP.No.1595 of 2021 on the file of the learned Special Sub Judge No.II, (Motor Accident Claims Tribunal), Court of Small Causes, Chennai.

For Appellant(s): Mr.F Terry Chella Raja

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



ORDER

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The above Civil Miscellaneous Appeal arises against the Award and Decree dated 10-11-2023 in MACTOP.No.1595 of 2021 on the file of the learned Special Sub Judge No.II, (Motor Accident Claims Tribunal), Court of Small Causes, Chennai.

2.It is the case of the claimants that the claimants are the parents of the deceased, sought compensation of Rs.56,00,000/- for the death of their son Isrel in a road accident on 19.02.2021 involving the respondent's bus. The deceased, aged 23 years, was an Electrician by profession and earning a sum of Rs.30,000/- per month. The respondent contended that the accident was due to the negligence of the deceased himself and they disputed the claim of income. Hence, they prayed for dismissal of the claim petition. The Tribunal, on appreciation of evidence, held that the accident occurred due to rash and negligent driving of the driver of the bus and awarded a total compensation of Rs.19,24,500/- under various heads with 7.5% interest.

3.The learned counsel for the appellants contended that the Tribunal erred in fixing the monthly income at Rs.12,000/- despite the deceased being a

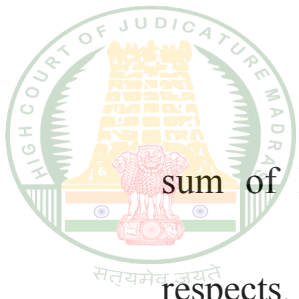


qualified electrician. It was argued that the income should have been fixed higher, considering the avocation and age of the deceased.

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4.The learned counsel for the respondent submitted that the Tribunal had correctly assessed the income in the absence of documentary proof and the award was just and reasonable.

5.On perusal of the evidence, it is not in dispute that the deceased had undergone Electrician training and was a skilled worker. The Tribunal's fixation of notional income at Rs.12,000/- is on the lower side. Taking into account the cost of living at that time and the avocation of the deceased, the notional income can be enhanced to a sum of Rs.19,000/ per month to which 40% of actual salary has to be added to the monthly income of the deceased towards future prospects. Therefore, the monthly income would come to Rs.26,600/- (Rs.19,000 + Rs.7,600). The annual income would work out to a sum of Rs.3,19,200/- (Rs.26,600/- x 12 = Rs.3,19,200/-). After deducting 1/2 amount towards his personal expenses, the annual contribution to the family would be a sum of Rs1,59,600/-. Considering his age, the appropriate multiplier to be adopted is 18. Therefore, the loss of dependency to the family would be a



sum of Rs.28,72,800/- (Rs1,59,600/-x 18 = Rs.28,72,800/-). In all other

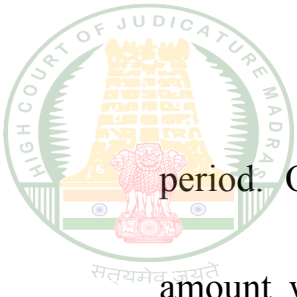
respects, the Award remains unaltered. The enhanced compensation would be a

sum of Rs.29,82,800/-. Therefore, taking into consideration the above aspects,

the modified amount is as follows:

<u>Heads</u>	<u>Tribunal Award</u> (Rs.)	<u>Modified Award</u> (Rs.)
Loss of Dependency	-18,14,500/-	-28,72,800/-
Loss of love and affection	- 80,000/-	- 80,000/-
Loss of Estate	- 15,000/-	- 15,000/-
Funeral Expenses	- 15,000/-	- 15,000/-
Total	-19,24,500/-	-29,82,800/-

6. Accordingly, this Civil Miscellaneous Appeal is partly allowed. The respondent/Transport Corporation is directed to deposit the entire compensation amount of Rs.29,82,800/-/- with interest @7.5% per annum, less the amount already deposited, with proportionate accrued interest and costs, to the credit of MACTOP.No.1595 of 2021 on the file of the learned Special Sub Judge No.II, (Motor Accident Claims Tribunal), Court of Small Causes, Chennai. within a period of eight weeks from the date of receipt of a copy of this Judgment, if not deposited earlier. The claimant is not entitled to get interest for the default



period. On such deposit, the claimant is permitted to withdraw the entire award

amount with proportionate accrued interest and costs as apportioned by the

Tribunal, by making necessary applications.

The claimants are directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall not disburse the amount till such time as proof of payment of Court Fee has been produced by the claimants. No costs.

15-07-2025

mps

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1.The Special Sub Judge No.II,
(Motor Accident Claims Tribunal),
Court of Small Causes,
Chennai.

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



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T.V.THAMILSELVI J.

mps

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