



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1857 of 2025

1. Ellappa,
S/o.Pilliyya, residing at D.No.191,
Alahalli, Andhevanapalli Post,
Erudukotta, Denkanikottai Taluk,
Krishnagiri District.

2. Renuka,
D/o.Ellappa, residing at D.No.191,
Alahalli, Andhevanapalli Post,
Erudukotta, Denkanikottai Taluk,
Krishnagiri District.

3. Chithra,
D/o.Ellappa, residing at D.No.191,
Alahalli, Andhevanapalli Post,
Erudukotta, Denkanikottai Taluk,
Krishnagiri District.

Appellant(s)

Vs

1. The Managing Director,
Tamil Nadu State Express Transport
Corporation Limited, Pallavan Salai,



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Respondent(s)

CMA No. 1857 of 2025

PRAYER

To enhance the compensation amount and fix the entire liability on the respondent made in the order dated 02-03-2024 made in M.C.O.P.No.133 of 2022 on the file of the MACT Tribunal, Special District Court, Krishnagiri by allowing this CMA.

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For Appellant(s): S.P.Yuaraj
K.Premnath
S.Ramprabu
L.Manisha

For Respondent(s): SOLE RESPONDENT - THE
MANAGING DIRECTOR,
Tamil Nadu State Express
Transport Corporation Limited,
Pallavan Salai, Chennai.
Pvt. Notice

Aos Not Filed
M/s.s.s.santhosa Kumar , Govt.
Standing Counsel FOR SOLE
RESPONDENT

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the compensation amount and fix the entire liability on the respondent made in the



order dated 02-03-2024 made in M.C.O.P.No.133 of 2022 on the file of the
MACT Tribunal, Special District Court, Krishnagiri.

2. On 14.10.2021 at about 12.45 hours, the deceased, her relative and her daughter are proceeding in TVS XL two wheeler bearing registration No. KA 01 HQ 4783 on Bangalore to krishnagiri NH road and the said two wheeler was driven by the relative of deceased(Krishnappa) on the extreme left side of the road, at that time SETC bus bearing registration No. TN 01 N 2398 driven by its driver in a rash and negligent manner dashed behind the deceased travelled two wheeler and he fell down and wheel of the bus ran over the deceased. Due to which, he sustained crush injuries and died. Thereafter, the claimants filed the petition before the tribunal claiming compensation and the respondent 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 claimants submit that the deceased was doing curd and milk business and earned Rs.25,000/- but the Tribunal has fixed only Rs. 9,000/- as notional income of the deceased which is very meagre and



the tribunal has awarded very less amount in other heads. Hence, he prays to enhance the compensation.

4. The learned counsel for the respondent submits that the claimants have not produced any income proof to prove the income of the deceased. Hence, the tribunal rightly fixed the notional income which needs no interference.

5. Considering the cost of living at the time of the accident and as per claimants the deceased was doing curd business. Hence, this Court is inclined to fix Rs.18,000/- as notional income of the deceased. Accordingly, the claimants are entitled to Rs.23,40,000/-(18,000+4500x12x13-1/3). Further, the contributory negligence fixed by the tribunal is reduced to 10% from 20%. Except above modification, the award passed by the tribunal in other heads remain unchanged.

S.No.	Heads	Compensation awarded by the tribunal.	Compensation awarded by this Court
1.	Loss of dependency	Rs.11,70,000/-	Rs.23,40,000/-
2.	Loss of estate	Rs.16,500/-	Rs.16,500/-
3.	Loss of consortium	Rs.1,32,000/-	Rs.1,32,000/-
4.	Funeral expenses	Rs.16500/-	Rs.16,500/-
5.	Transportation charges	Nil	Nil
	Total	Rs.13,35,000/-	Rs.25,05,000/-



6. After deducting 10% towards contributory negligence the claimants are entitled to Rs. 22,54,500/-. Accordingly, the compensation awarded by the Tribunal is enhanced to Rs. 22,54,500/-. 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 M.C.O.P.No.133 of 2022 on the file of the MACT Tribunal, Special District Court, Krishnagiri), within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the appellants/claimants are permitted to withdraw their share of the enhanced award amount along with proportionate interest as per the apportionment ordered by the tribunal.

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

21-08-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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T.V.THAMILSELVI J.

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To

1. The MACT Tribunal, Special District Court, Krishnagiri.
2. The Section officer, V. R Section, High Court, Madras.

CMA No. 1857 of 2025

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