



CMA No.1955 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.1955 of 2025

and

C.M.P.No.17082 of 2025

The Managing Director,
Tamil Nadu State Transport Corporation,
Salem

... Appellants

Vs.

- 1.Amirthavalli
2. Bhuvaneshwari
3. Bharathkumar
4. Minor Sarashvathi
5. Ananthi
6. Vengatappan

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, prays to set aside the Judgment and Decree passed in M.C.O.P.No.90 of 2019 passed by the Motor Accident Claims Tribunal, Subordinate court, Harur on 14.11.2024 and pass orders.

For Appellant : Mr.Nitin D
For Respondents : No Appearance



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JUDGMENT

The appellants have filed this appeal to to set aside the Judgment and Decree passed in M.C.O.P.No.90 of 2019 passed by he Motor Accident Claims Tribunal , Subordinate court, Harur on 14.11.2024 and pass orders.

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

On 08.07.2019 when the deceased was riding his two wheeler bearing Registration number TN-29-BZ-7488 the bus bearing Registration number TN-30-N-1701 insured came from the opposite side and dashed against the deceased, due to which he sustained grievous injuries and succumbed to the injuries. Hence, the legal heirs of the deceased filed a claim petition before the Tribunal seeking compensation.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.22,39,640/- as compensation, directed the respondent to pay the said amount to the respondents herein along with interest at the rate of 7.5% per annum from the date of petition till the date of realisation.



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4. Challenging the negligence and quantum of compensation awarded by the Tribunal, the appellant has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. Heard Mr. Mr.Nitin, learned counsel appearing for the appellant. There is no representation for the respondents.

6. The learned counsel for the appellants contended that the tribunal has erred in fastening the liability on the part of the bus, as the fact remains that the rider of the two wheeler was rash and negligent in driving. He further submitted that the amount awarded under various heads is also very high, therefore prayed to set aside the award passed by the Tribunal .

7. On going through the award passed by the Tribunal it is seen that the notional income of the deceased was fixed as Rs.13,712/-. As per the decision rendered in the case of *National Insurance Co. vs Pranay sethi and others*, reported in **2017 (2) TNMAC 601** 40% is to be added towards future prospects of the deceased. The deceased died, leaving behind the



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respondents, who are his legal heirs. Considering the age of the deceased 1/4 of the income is to be deducted towards the deceased's personal expenses. The deceased was aged 40 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 14.

Calculation

Notional Income = Rs.13,712/-

40% Future Prospects = 13,712 + 3,428 = 17,140/-

After 1/4 deduction = 17,140 – 4,285 = Rs.12,855/-

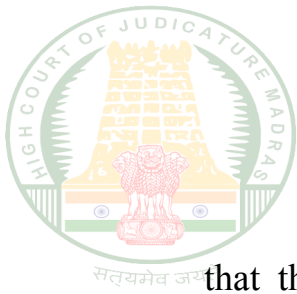
Loss of dependency

= Rs.12,855 x 12 x 14

= Rs.21,59,640/-

The Tribunal has awarded Rs.21,59,640/- under the head loss of dependency and Rs.40,000/- under the head loss of love and affection.

Further Rs.20,000/- each was awarded under the head funeral expenses and loss of estate. There is no infirmity in the quantum arrived by the Tribunal and when this Court is about to dismiss the petition, it is seen



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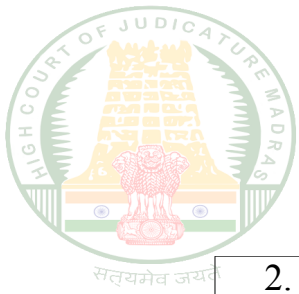
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that the total dependents are six members, hence Rs.40,000/- awarded under the head loss of love and affection would not be sufficient. Hence, the same is enhanced as Rs.40,000/- each to all respondents and the total amount comes to Rs.2,40,000/-. Amount awarded under the other heads remains intact.

8. However, the findings rendered by the Tribunal with regard to negligence aspect are very reasonable and the same does not require interference. Furthermore, a perusal of the award of the Tribunal establishes the fact that it has analysed all the materials and exhibits perfectly and fixed the liability on the appellant. The Tribunal has also analysed the materials in a proper perspective, which cannot be brushed aside easily.

9. The following tabular column sets out the amounts awarded by the Tribunal and the amount 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 dependency	21,59,640/-	21,59,640/-



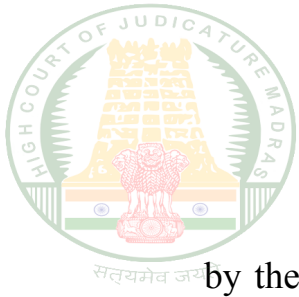
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2.	Loss of Love and affection	40,000/-	2,40,000/-
3.	Funeral Expenses	20,000/-	20,000/-
4.	Loss of Estate	20,000/-	20,000/-
	Total	22,39,640/-	24,39,640/-

Thus, the compensation awarded by the Tribunal is modified only with regard to the head loss of love and affection and all the other heads remains intact.

10. In the result, the award passed by the Claims Tribunal is confirmed except the above said modification with regard to loss of love and affection. . Hence, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently the connected miscellaneous petition is closed.

11. The Appellant/Tamil Nadu State Transport Corporation, shall deposit the amount awarded by this Court (after deducting the amount already deposited) 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 M.C.O.P.No.90 of 2019 passed by the Motor Accident Claims Tribunal , Subordinate court, Harur, within a period of eight weeks from the date of receipt or uploading of a copy of this order. On such deposit being made



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by the respondents/claimants are at liberty to withdraw the amount and disburse as per the apportionment made by the tribunal, after following due process of law.

25.07.2025

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

smn

To
1. The Motor Accident Claims Tribunal ,
Subordinate Court, Harur

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



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T.V.THAMILSELVI, J.

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