



C.M.A No.1730 of 2024

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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.1730 of 2024

- 1.E.Sowmiya
- 2.E.Priyanga
- 3.E.Ramya (minor)

... Appellants

Vs.

- 1.The Secetary
Regional Transport Authority
Chennai Central
MTC Building
Anderson Road, Vasantha Nagar
Chinna Chembarambakkam
Ayanavaram, Chennai-23.

- 2.The Managing Director
M.T.C Limited, Anna Salai
Chennai-600 002.

- 3.P.Kathiresan

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, as against the judgment and decree dated 30.01.2025 made in M.A.C.T.O.P No.449 of 2021 on the file of the Motor Accidents Claims Tribunal/ The Chief Judge, Small Causes Court, Chennai.



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For Appellants : Mr.R.Reena

For Respondents : No Appearance for R1 & R2
R3 – service awaited

JUDGMENT

The appellants have filed this appeal against the Decree and Judgment dated 30.01.2025 passed in M.A.C.T.O.P No.449 of 2021, by the Motor Accident Claims Tribunal/ The Chief Judge, Small Causes Court, Chennai.

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

On 27.12.2019 at about 9.20 p.m, while the victim, Mr.P.S.Elumalai was riding a Hero Honda Motorcycle bearing Registration No.TN 05 X 8363 with the 1st petitioner as pillion rider, along on the extreme left side of 200 Feet Service Road, (DRJ Hospital) from south to north direction, a MTC bus bearing Registration No.TN 01 N 9376 was driven by its driver in a rash and negligent manner and rammed the victim's motorcycle. Due to the impact, the victim was thrown away from the motorcycle, sustained multiple injuries and later, died on 08.01.2020. Hence, the legal heirs of the deceased had filed a



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claim petition before the Tribunal seeking compensation for a sum of Rs.1,30,00,000/-.

3. Upon considering the oral and documentary evidence, the Tribunal partly allowed the claim petition and awarded a sum of Rs.17,03,000/- as compensation, directed the second 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 at the time of accident, the deceased was running a Tea shop and earning Rs.45,000/- per month and the accident was happened in December 2019. But without considering the same, the Tribunal has fixed only Rs.15,000/- towards the monthly income of the deceased. Hence prays to enhance the compensation by allowing this petition.



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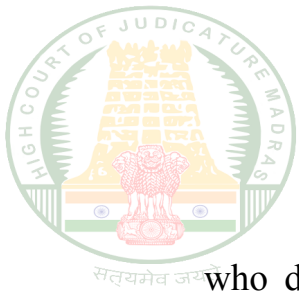
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6. Though notice has been served, none appeared on behalf of the respondents.

7. Heard the learned counsel for the appellant 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.14,52,000/- for loss of dependency; Rs.15,000/- towards loss of estate; Rs.90,851/- towards medical expenses; Rs.1,20,000/- (Rs.40,000 x 3) towards loss of consortium; Rs.15,000/- towards funeral expenses and Rs.10,000/- towards transportation charges including damages to personal belongings.

9. On perusal of records would reveal that the accident was happened in the year 2019 and the deceased was aged 51 years. But, there is no proof of income to show that the deceased was earning considerable income at the time of accident. In the absence of material evidence, the Tribunal fixed a sum of Rs.15,000/- as monthly income of the deceased,



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who died in the accident that had occurred in the year 2018, which is meager. However, considering the year of the accident and the rise in cost of living and other related factors, it would be appropriate to fix a sum of Rs.600/- per day, i.e Rs.18,000/- (600 x 30) per month towards monthly income of the deceased. Accordingly, the loss of income is modified as follows:

Calculation

Notional Income = Rs.18,000/-

10% Future Prospects = 18,000 + 1,800 = 19,800/-

Loss of dependency

= Rs.19,800 x 12 x 11 x 2/3

= Rs.17,42,400/-

The compensation awarded under the heads of medical expenses, loss of consortium and transportation charges including damages to personal belongings 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



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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	14,52,000/-	17,42,400/-
2.	Loss of Estate	15,000/-	16,000/-
3.	Medical Expenses	90,851/-	90,851/-
4	Loss of consortium (40000 x 3)	1,20,000/-	1,20,000/-
5	Funeral Expenses	15,000/-	16,000/-
6	Transportation charges including damages to personal belongings	10,000/-	10,000/-
	Total	Rs.17,02,851/- rounded off to Rs.17,03,000/-	Rs.19,95,251/- rounded off to Rs.19,95,500/-

Thus, the compensation awarded by the Tribunal is enhanced from **Rs.17,03,000/- to Rs.19,95,500/-**, 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.



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ii. The compensation awarded by the Tribunal is enhanced from

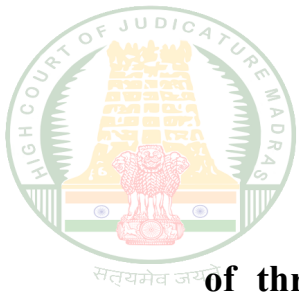
Rs.17,03,000/- to Rs.19,95,500/-.

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 2nd respondent/Transport Corporation, is directed to deposit the enhanced compensation amount, i.e., **Rs.19,95,500/-**, (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 M.A.C.T.O.P.No.449 of 2021 on the file of the Chief Judge, Small Causes Court/Motor Accident Claims Tribunal at 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, 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 third appellant being a minor, is directed to have her respective shares of the award amount invested in any one of the Nationalized Banks under a Fixed Deposit Scheme initially **for a period**



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of three years which shall be renewed periodically until he attains majority. The 1st appellant/1st claimant, being the natural guardian of the minor claimant, is permitted to withdraw the interest accrued thereon **once in three months**, and the same shall be utilized for the welfare of the minor claimant.

vii. 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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To

1. The Motor Accidents Claims Tribunal/The Chief Judge, Small Causes Court, Chennai.

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2.The Managing Director
M.T.C Limited, Anna Salai
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3. The Section Officer, V.R. Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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