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CMA No. 1680 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1680 of 2025

1. Lakshmi

2. Saravanan

Appellants

Vs

The Managing Director
Metropolitan Transport Corporation
Ltd., Pallvan House, Annasalai,
Chennai - 600 002.

Respondent

PRAYER:- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to set aside the award against the judgement and decree dated 20-01-2025 and made in MCOP.No.3329 of 2018, on the file of the MACT, Chennai (in the IV Court of Small Causes, Chennai).



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For Appellants: Mr.F.Terry Chella Raja For
Mrs.Malar

For Respondent: Mr.M.Murali Vinodh

JUDGMENT

Challenging the impugned award passed by the tribunal in MCOP.No.3329 of 2018, the claimants have preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

2. The claimants are father and mother of deceased Vicky @ Vignesh. The case of the claimants is that on 07.03.2018 at about 04.00 p.m. when the deceased travelling as a passenger in the respondent's bus bearing Regn. No. TN-01 N-4599 at Tondiyarpet opposite to Euro Kids Pre-school proceeding from south to north direction, at that time, the driver of the bus applied sudden break without any caution or indication, due to that, deceased was thrown out from the said bus and fallen on the road and sustained fatal injuries and died on the way to hospital. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.30,00,000/-.

3.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part



of the rider of the respondent transport corporation. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.10,15,000/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of dependency	9,00,000
2.	Loss of consortium	80,000
3.	Loss of estate	15,000
4.	Funeral expenses	15,000
5.	Transport charges	5,000
	Total	10,15,000

4. The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

5. The learned counsel for appellant argues that the tribunal failed to see the fact that the deceased is aged about 14 years and he was a student. He would submit that the tribunal has awarded lesser compensation towards monthly income and that too the accident was happened in the year 2018. Hence, he prayed to enhance the compensation awarded by the tribunal.



6. The learned counsel for 2nd respondent raised objections stating that at the time of accident, he was was aged about 14 years and he was only a student of studying 9th std. Hence, the tribunal has rightly fixed the income of the petitioner, which needs no interference of this court.

7. Heard rival submissions of both learned counsel for appellants and 2nd respondent and perused the materials available on record.

8. On perusal of records, it reveals that at the time of accident, deceased was aged about 14 years and he sustained fatal injury in the accident and died on the way to hospital. The deceased was aged about 14 years and the accident was happened in the year 2018. Considering that as well as the cost of living at that time, this Court is inclined to enhance the notional income of the deceased from Rs.5000/- to Rs.6000/- and 40% of future prospects can be arrived. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

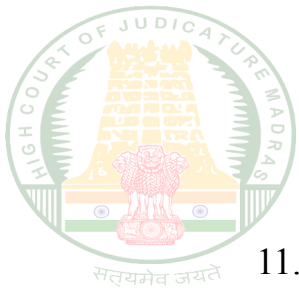
9. In the light of the above discussion, the compensation awarded by the tribunal is enhanced as follows:



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S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Award confirmed or granted or enhanced
1.	For loss of dependency Rs.6,000/- (add 40% future prospects) = 6000 + 2400 =8400 8400 x 12 x 15 (multiplier) = 15,12,000	9,00,000	15,12,000	enhanced
2.	Loss of consortium	80,000	80,000	confirmed
3.	Loss of estate	15,000	15,000	confirmed
4.	Funeral expenses	15,000	15,000	confirmed
5.	Transport charges	5000	5000	confirmed
	Total	10,15,000	16,27,000	

10. Accordingly, the compensation awarded by the tribunal at Rs.10,15,000/- is enhanced to Rs.16,27,000/-. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. The respondent Transport Corporation is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of copy of this judgment.



11. On such deposit of the enhanced compensation amount now determined by this Court, the appellants 1 and 2 are entitled to share the amount proportionately as ordered by the Tribunal and the appellants 1 and 2 are permitted to withdraw the enhanced award amount along with interest and costs, less the amount if any, already withdrawn.

12. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

03-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, IV Judge, Court of Small Causes, Chennai.
2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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