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CMA No. 1792 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 1792 of 2025

1. SUDHA

2.Minor Deepika

3.Minor Abisha

D/o. Late Pugazhenth,
(2nd and 3rd Minor Petitioners rep. by
their next friend and natural guardian
sudha)

4. Pushparani

5. Marimuthu

Appellants

Vs

The Managing Director
Metropolitan Corporation Limited,
Pallavan House, Anna Salai,
Chennai - 2.

Respondent



PRAYER:- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to allow the above CMA and enhance the award amount in Judgment and decree dated 25.04.2025 made in MCOP No. 2662 of 2023 on the file of Motor Accident Claims Tribunal/V Judge Court of Small Causes, Chennai.

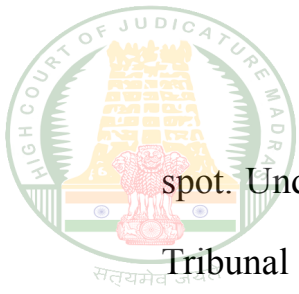
For Appellants: Mr.M. Karuppaiah

For Respondent: Mr.M.Murali Vinodh

JUDGMENT

Challenging the impugned award passed by the tribunal in MCOP.No.2662 of 2023, the petitioners have preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

2. The petitioners are wife, daughters and parents of deceased Pugazhenthii Roy. The case of the petitioners is that on 13.11.2022 at about 11.45 p.m. while the deceased was riding a two wheeler bearing Regn. No. TN-10 BK-9776 in Vadapalani flyover between the metro train pillar VP 24 and 25 from north to south, at that time, MTC bus bearing Regn. No.TN-01 AN-2583 came from same direction, in a rash and negligent manner with high speed, dashed against the two wheeler, due to which deceased fell down and the right side rear wheel of bus ran over the deceased head and crushed and died on the



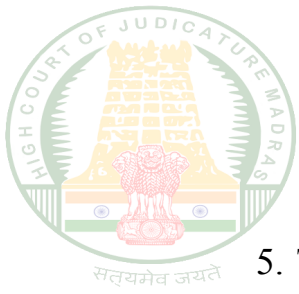
spot. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.48,00,000/-.

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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 respondent transport corporation. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.32,54,000/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of dependency	30,24,000
2.	Loss of consortium	2,00,000
3.	Loss of estate	15,000
4.	Funeral expenses	15,000
5.	Medical expenses	nil
	Total compensation awarded (by adding Sl. Nos. 1 to 5)	32,54,000

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



5. The learned counsel for appellants would argue that the accident was happened in the year 2022, but without considering the cost of living at that time, the tribunal had fixed the notional income as Rs.15,000/-. Hence, they prayed for enhancement of compensation.

6. The learned counsel for respondent transport corporation raised objections stating that the deceased was aged about 33 years and there is no proof produced on the side of appellants for the income derived by him as a car driver except driving license. Hence, the Tribunal had rightly fixed the notional income as Rs.15,000/-, which needs no interference.

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

8. On seeing the facts, it reveals that the accident was happened in the year 2022 and since he was a car driver, he would have earned Rs.19,000/- per month. Therefore, this Court is inclined to enhance the notional income of the deceased Pugashenthi from Rs.15000/- to Rs.19000/-. 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 modified 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 income Rs.19,000/- (add 40% future prospects) = 19000 + 7600 = 26600 26600 x 12 x 16 (multiplier) = 51,07,200 – 1/4 (12,76,800) = 38,30,400	30,24,000	38,30,400	enhanced
2.	Loss of consortium	2,00,000	2,00,000	confirmed
3.	Loss of estate	15,000	15,000	confirmed
4.	Funeral expenses	15,000	15,000	confirmed
5.	Medical expenses	nil	nil	
	Total	32,54,000	40,60,400	enhanced

10. Accordingly, the compensation awarded by the tribunal at Rs.32,54,000/- is enhanced to Rs.40,60,400/-. 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. On such deposit of the enhanced compensation amount now determined by this Court, the appellants 1 to 5 are entitled to share the amount proportionately as ordered by the Tribunal and the appellants 1 to 5 are permitted to withdraw the enhanced award amount along with interest and costs, less the amount if any, already withdrawn. As far as the share of minor appellants viz., 2nd and 3rd appellants are concerned, the same shall be deposited in any nationalised bank bearing fixed deposit scheme until the minor attains majority and the interest thereon shall be withdrawn by minor appellants' mother, once in three months.

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

11-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, V 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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