



C.M.A.No.491 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 27.02.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.M.A.No.491 of 2023

1.Seethalakshmi

2.Maragathavalli

3.Sangeetha

4.Rishok

5.Mythili

6.Karuppayi

... Appellants

vs.

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
No.12, Ramakrishna Road, Salem District – 636 001. ... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to allow the above civil miscellaneous appeal and enhance the award amount in the Order dated 07.03.2022 made in MCOP.No.742 of 2020, on the file of the Motor Vehicle Accident Claims Tribunal / Special District Judge Court, Salem.

For Appellants : Mr.T.S.Arthanareeswaran

For Respondent : Mr.D.Nitin

J U D G M E N T



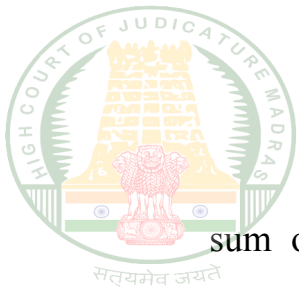
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WEB COPY Aggrieved by the quantum of compensation fixed by the Motor Accident Claims Tribunal / Special District Judge Court, Salem in M.C.O.P.No.742 of 2020, dated 07.03.2022, claimants have come by way of this appeal.

2. It is not in dispute that the husband of the 1st claimant, father of the claimants 2 to 5 and son of the 6th claimant namely Rajendran died in a road accident that had taken place on 23.10.2019. Hence, a claim petition has been laid by the claimants seeking compensation of Rs.25,00,000/-.

3. Before the Tribunal, the 4th appellant/4th claimant was examined as PW.1 and one another witness namely Rajakrishnan was examined as PW.2. On behalf of the appellants/claimants, 21 documents were marked as Exs.P1 to P21. On behalf of the respondent-Corporation, one Baskaran was examined as R.W.1 and no document was marked on their side. The Aadhaar card of PW.2 was marked as Ex.X1.

4. Based on the evidence available on record, the Tribunal awarded a



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sum of Rs.9,55,000/- in favour of the claimants. Not satisfied with the quantum of compensation awarded by the Tribunal, the appellants/claimants have come by way of this appeal.

5. Both the learned counsel appearing for the appellants/claimants as well as learned counsel appearing for the respondent/Corporation have not advanced any arguments on the questions of negligence and liability. Therefore, facts necessary for considering those questions are not discussed in this judgment. Arguments in the appeal is confined to the question of quantum of compensation.

6. The learned counsel appearing for the appellants/claimants submits that the accident had occurred in the year 2019. However, the Tribunal fixed the meager notional income of Rs.10,000/- per month and the same requires enhancement.

7. The learned counsel appearing for the Respondent/Corporation would submit that claimants have not produced any documents to prove the avocation and the income of the deceased and therefore, the Tribunal is



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justified in fixing the notional income of Rs.10,000/- for the deceased.

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8. In the claim petition, it was averred by the claimants that the deceased was Mason by profession and he was earning a sum of Rs.16,000/- per month. However, the claimants have not produced any evidence to establish the income of the deceased. Therefore, taking into consideration the year of accident and age of the deceased, this Court feels the notional income of the deceased can be fixed at Rs.16,000/- per month having regard to the restricted claim made in the claim petition. In that case, the claimants are entitled to Rs.14,25,600/- under the head loss of dependency (i.e., $\text{Rs.16,000} \times 1.1 \times 12 \times 9 \times \frac{3}{4} = \text{Rs.14,25,600/-}$).

9. Since there are six claimants, this Court feels it would be appropriate to deduct $\frac{1}{4}$ th of the amount towards personal expenses as per the law laid down by the Apex Court in *Sarla Verma and others vs. DTC and others* reported in **(2009) 6 SCC 121**. The Tribunal awarded Rs.1,20,000/- under the head loss of love and affection for the claimants at the rate of Rs.20,000/- each. As per the law laid down by the Apex Court in *National Insurance Company Limited vs. Pranay Sethi and others* reported



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in **(2017) 16 SCC 680**, the 1st claimant is entitled to Rs.40,000/- towards loss of consortium. The claimants 2 to 5 are entitled to Rs.40,000/- each towards loss of love and affection. The 6th claimant is entitled to Rs.40,000/- towards loss of filial consortium.

10. In addition to the above said amount, the claimants are entitled to Rs.15,000/- each towards loss of estate and funeral expenses. Accordingly, the award passed by the Tribunal is modified as follows:-

Sl. No.	Description	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Loss of Income	Rs.8,10,000	Rs.14,25,600/-
2.	loss of consortium (for 1 st claimant)	Rs.1,20,000/-	Rs.40,000/-
3.	loss of love and affection (for claimants 2 to 5 each Rs.40,000/-)		Rs.1,60,000/-
4.	loss of filial consortium (for 6 th claimant)		Rs.40,000/-
5.	Funeral expenses	Rs.25,000/-	Rs.15,000/-
6.	Loss of Estate	-	Rs.15000/-
Total		Rs.9,55,000/-	Rs.16,95,600/-

11. In view of the discussions made earlier, the compensation awarded



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by the Tribunal is enhanced from Rs.9,55,000/- to Rs.16,95,600/-. The

appellants/claimants are directed to pay the applicable additional court fee.

The Respondent/Corporation is directed to deposit the enhanced award amount of Rs.16,95,600/- together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation (excluding the delay period of 38 days as per the order in C.M.P.No.16094 of 2022, dated 20.02.2023), after deducting the amount already deposited, if any, to the credit of M.C.O.P.No.742 of 2020 on the file of the Motor Vehicle Accident Claims Tribunal, Special District Court, Salem, within a period of six weeks from the date of receipt of copy of this judgment. Out of total compensation amount, the 1st claimant is entitled to Rs.8,95,600/- and claimants 2 to 6 are entitled to Rs.1,60,000/- each. On such deposit, the appellants/claimants are entitled to withdraw their respective award amount by making formal application.

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



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Index :Yes/No
Speaking order :Yes/No
Neutral Citation :Yes/No
dm

To

- 1.The Motor Vehicle Accident Claims Tribunal /
Special District Judge Court, Salem.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
No.12, Ramakrishna Road, Salem District – 636 001.
- 3.The Section Officer,
VR Section,
High Court, Madras.



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S.SOUNTHAR, J.

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