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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.08.2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.2239 of 2025

1. Manoharan

2. Muniammal

...Appellants

Vs

1.The Managing Director

Tamil Nadu State Transport Corporation

No.31/37, Salavedu, Villupuram, Tamil Nadu 606 602

2.The Branch Manager

Tamil Nadu State Transport Corporation

CMBT Koyambedu Bus Terminus

Koyambedu, Chennai 107

..Respondents

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Judgment and Decree passed in MCOP.No.2498 of 2022 dated 30.04.2025 on the file of the Motor Accident Claims Tribunal(II Judge, Court of Small Causes) Chennai.

For Appellants : Mr.Amar Dineshbhai Pandiya

For Respondents : Mr.S.S.Santhosakumar

J U D G M E N T

This appeal has been filed by the claimants seeking enhancement of compensation under the impugned award dated 30.04.2025 passed by the II Judge, Court of Small Causes, Chennai in MCOP.No.2498 of 2022.



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

On 11.07.2021 at about 4.00 hours when the deceased was a pillion rider of Motor cycle bearing Regn.No.TN-25-X-6708 proceeding from Avalurpettai to Tiruvannamalai Road, Ravanampattu Village, adjacent to Kalamman Temple, a bus bearing Regn.No.TN-25-N-0705 driven by its driver came from opposite direction and hit against the motor cycle due to which both the rider and deceased sustained grievous injuries and rider of the motor cycle died on the same day and pillion rider died on 20.07.2021. Claiming that the driver of the bus is responsible for the accident, the claimants have filed a claim petition before the Tribunal claiming a sum of Rs.45,00,000/-. The Tribunal after adjudicating the issues with reference to the documents and evidences, has awarded a total compensation of Rs.22,91,560/-

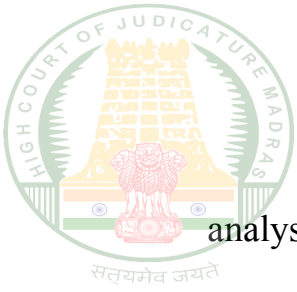
3. The appellants/claimants, unsatisfied with the quantum of compensation awarded by the Tribunal under the impugned award, has preferred this appeal seeking enhancement.



4. Heard the learned counsel for the appellants and learned counsel for the respondents and perused the materials available on record.

5. The learned counsel appearing for the Appellants/Claimants submitted that the Tribunal erred in fixing notional income of the deceased as Rs.15200/- per contra to the avocation that the deceased was working as teacher earning by her profession and the same is very low. The Tribunal have not considered the year of accident and cost of living index while fixing the notional monthly income of the deceased. It failed to follow the principles laid down by this court for fixing the notional income of the deceased in absence of any proof of income of the deceased. It ought to have considered the decision rendered by the Division Bench of this court reported in 2019 (1) TNMAC 54. It has also erred in awarding meagre amount on all other heads and the same needs interference of this court for enhancement. Hence, he prayed to enhance the compensation.

6. Per contra, the learned counsel appearing for the respondents has submitted that the compensation claimed by the appellants is highly excessive and baseless. He further submitted that the Tribunal after



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analysing the evidences on record, has rightly awarded the compensation to the appellants/claimants and hence, the award passed by the Tribunal does not warrant any interference by this Court. Hence, he prays for dismissal of the appeal.

7. On perusal of records, it is seen that the deceased was a teacher in Kinder Garden School and she was aged about 28 years and the appellants are the parents of the deceased. It is submitted that the accident is of the year 2021 and she was earning Rs.12000/- per month, however, no income proof has been produced to substantiate their claim. Considering the age of the deceased, year of the accident and cost of living index, this court is inclined to fix Rs.18,000/- per month as notional income of the deceased. Since the age of the deceased is 28 years at the time of accident and she was a teacher, it is just and fair to add 40% towards future prospects and the multiplier '17' to be adopted and $\frac{1}{2}$ is deducted towards personal expenses, for calculating loss of dependancy and thus arrived at a sum of Rs.25,70,400/- towards loss of dependancy.

$(18000 + 40\% = 7200; 18000 + 7200 = 25200; 25200 \times 12 = 302400;$
 $302400 \times 17 = 5140800; 5140800 - \frac{1}{2} = \mathbf{25,70,400/-})$

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8. Insofar as the heads such as loss of filial consortium for the appellants, funeral expenses and loss of estate are concerned, the Tribunal has granted a just and fair compensation and hence, they do not call for any interference of this court and the same remains unaltered.

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

<i>Sl.No.</i>	<i>Head</i>	<i>Compensation awarded by the Tribunal</i>	<i>Compensation awarded by this Court</i>
1.	Loss of dependency	21,70,560/-	25,70,400/-
2.	Loss of filial consortium for the appellants	88000/-	88000/-
3.	Funeral Expenses	16500/-	16500/-
4.	Loss of Estate	16500/-	16500/-
5.	Total	22,91,560/-	26,91,400/-

10. Thus, the appellants/claimants are entitled to the enhanced compensation of **Rs.26,91,400/- (Rupees Twenty Six Lakhs Ninety One Thousand and Four Hundred only)**



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11. The Civil Miscellaneous Appeal is partly allowed. Consequently, connected miscellaneous petition is closed. No costs.

12. The respondents are directed to deposit the enhanced compensation as ordered above, less the amount if any already deposited, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the appellants/claimants are permitted to withdraw the enhanced award amount by filing necessary application before the Tribunal. Other aspects of the order of the Tribunal remains the same.

13. Since the compensation amount now awarded is Rs.26,91,400/, it is made clear that the claimants has to pay the appropriate Court fee in order to receive the enhanced award amount.

Index : Yes/No

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Speaking/Non-speaking Order
gv



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To

1.The Motor Accident Claims Tribunal(II Judge, Court of Small Causes)
Chennai.

2.The Section Officer,
VR Section, High Court, Madras.



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T.V.THAMILSELVI.,J
gv

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