



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-08-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 3508 of 2024

1. S.Priya

2. Minor S.Kamesh

3. Minor S.Sadhana

(Minor Petitioners are Rep by Mother
as Guardian 1st Petitioner herein
S.Priya)

4. M.Thilagavathi

Appellants

Vs

The Managing Director
State Express transport Corpn Ltd. No.
2, Pallavan Salai, Chennai 002

Respondent

PRAYER:- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to enhance the compensation in MCOP.No.139/2019 dated 09-02-2020 (on the file of the MACT /I Addl. Dist.and Sessions Judge(FAC), Cuddalore.



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For Appellants: M/s.Ramya V. Rao

For Respondent: Mr.S.S.Santhosa Kumar

JUDGMENT

Challenging the impugned award passed by the tribunal in MCOP.No.139 of 2019, the appellants/petitioners have preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

2. The appellants are wife, son, daughter and mother of deceased M.Sivakumar. The case of appellants is that on 08.12.2018 at about 19.00 hours when the deceased was riding his two wheeler from Chennai to go home back at Cuddalore on ECR Salai, Thenpattinam, the driver of a bus bearing Regn. No. TN-01-N-9993 came from the opposite direction drove it in a rash and negligent manner without any signal, dashed the deceased two wheeler and caused an accident. Due to which, the deceased sustained fatal injuries, for which he underwent treatment in the hospital, but he died inspite of treatment. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.50,00,000/-.

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 respondent transport corporation. Having come to such a conclusion, the



Tribunal fixed the total compensation payable at Rs.21,21,000/- under various heads as follows:

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S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of income	20,16,000
2.	Loss of consortium	40,000
3.	Loss of love and affection	40,000
4.	Transportation	15,000
5.	Funeral expenses	10,000
	Total compensation awarded (by adding Sl. Nos. 1 to 5)	21,21,000

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 2018 and the deceased was aged about 33 years and he was the owner cum driver of a Traveller (mini bus) Regn.No.TN-31-AJ-1679, to that effect the copy of R.C. Book marked as Ex.P10 He would submit that he was also working as a Collection man cum Supervisor, Ohm Balaji Textiles Shop, Cuddalore, to that effect, the copy of salary certificate marked as Ex.P8, thereby he had earned totally a sum of Rs.65,000/-, but without considering the same, the tribunal had fixed the notional income only as Rs.10,000/-. Hence, they prayed for enhancement of compensation.

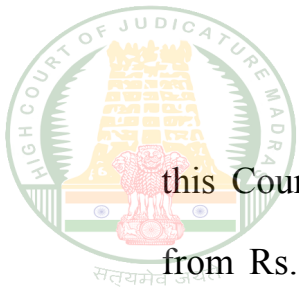


6. The learned counsel for respondent raised objections stating that the deceased was aged about 33 years and considering his profession as well as considering cost of living, the Tribunal had rightly fixed the notional income as Rs.10,000/-, which needs no interference.

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

8. On seeing the facts, it reveals that the accident was happened in the year 2018 and the deceased was aged about 33 years and he was the owner cum driver of a Traveller (mini bus) Regn.No.TN-31-AJ-1679, to that effect, the copy of R.C. Book marked as Ex.P10. He was also working as a Collection man cum Supervisor, Ohm Balaji Textiles Shop, Cuddalore, to that effect, he had produced a salary certificate Ex.P8, to that effect, the copy of salary certificate marked as Ex.P8, thereby, he had earned totally a sum of Rs.65,000/- per month. Considering that and also considering his age as well as considering the cost of living at that time, this Court is inclined to enhance the notional income of the deceased M.Sivakumar from Rs.10,000/- to Rs.16,000/-.

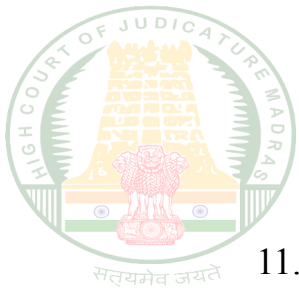
9. Furthermore, the Tribunal has granted only a sum of Rs.40,000/- under the head of 'Loss of love and affection'. This is on the lower side and hence, each of the claimant is entitled for a sum of Rs.40,000/- under this head. Accordingly, the total compensation under this head is fixed at Rs.1,60,000/- (Rs.40,000/- x 4). The other conventional head, funeral expenses is concerned,



this Court is inclined to enhance the sum awarded towards funeral expenses from Rs.10,000/- to Rs.15,000/-. Moreover, the tribunal has not awarded any sum under the head of Loss of estate. Considering the fact that the appellants have lost their only bread winner of the family in the accident, this Court is inclined to award a sum of Rs.15,000/- under the head of loss of estate. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

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

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.16,000/- (add 40% future prospects) = 16000 + 6400 = 22400 22400 x 12 x 16 (multiplier) = 43,00,800 – 1/4 (10,75,200) = 32,25,600	20,16,000	32,25,600	enhanced
2.	Loss of consortium	40,000	40,000	confirmed
3.	Loss of love and affection (Rs.40000 x 4)	40,000	1,60,000	enhanced
4.	Funeral expenses	10,000	15,000	enhanced
5.	Transportation expenses	15,000	15,000	confirmed
6.	Loss of estate	Nil	15,000	awarded
	Total	21,21,000	34,70,600	enhanced



11. Accordingly, the compensation awarded by the tribunal at Rs.21,21,000/- is enhanced to Rs.34,70,600/-. 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 2 and 4 are entitled to share the amount proportionately as ordered by the Tribunal and they are permitted to withdraw the enhanced award amount along with interest and costs, less the amount if any, already withdrawn. 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.

12. 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.

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

14-08-2025



Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, I Addl. District and Sessions Court (FAC),
Cuddalore.

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



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T.V.THAMILSELVI J.

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