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CMA No. 410 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **18-02-2025**

CORAM

THE HONOURABLE MR JUSTICE R. SURESH KUMAR

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

CMA No.410 of 2025
and C.M.P.No.3067 of 2025

The Managing Director
The Tamilnadu State Transport Corporation
Coimbatore Limited, Tiruppur Division
Coimbatore.

... Appellant

-Vs-

1. Balakrishnan

2. Jeyamani

3. Durairaj

... Respondents

Prayer: Civil Miscellaneous Appeal under Section 173 of the Motor Vehicles Act to set aside the award dated 08.12.2021 passed in MCOP No.332 of 2018 on the file of MACT, Tiruppur.

For Appellant : Mr.C.Gauthamaraj

For Respondents : Mr.Ma.Pa.Thangavel

J U D G M E N T

(Judgment of the Court was delivered by **R.Suresh Kumar J.**)

This Civil Miscellaneous Appeal has arisen out of the award passed by the Motor Accidents Claims Tribunal, Tiruppur dated 08.12.2021 in MCOP No.332 of 2018.



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2. Due to the motor accident that took place on 08.11.2017, one Jeevanathan expired immediately after the accident. The respondents, who are the legal heirs of the deceased, joined together as claimants and filed the said MCOP seeking for compensation of a sum of Rs.30,00,000/-.

3. The Motor Accidents Claims Tribunal, having gone through the case and counter case, as well as the evidence adduced on behalf of the parties, has come to the conclusion that the claimants are entitled to get the compensation and it has been quantified under various heads totaling to a sum of Rs.21,22,240/-.

4. The said Award dated 08.12.2021 is under challenge in this appeal filed by the Transport Corporation on the grounds that the Tribunal has committed an error in fixing the notional income and also future prospects which has been fixed at 50%. These are the grounds on which the Award is under challenge.

5. We have heard Mr.C.Gauthamaraj, learned counsel for the appellant Corporation, who, after having reiterated the said grounds, would seek the indulgence of this Court to entertain this appeal.

6. We have gone through the impugned Award passed by the Tribunal. With regard to the notional income fixed at Rs.15,000/- per month is concerned, the same



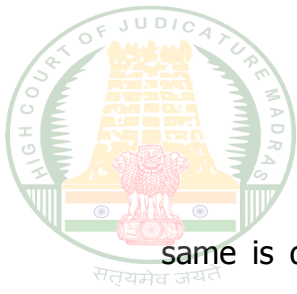
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is in line with the guidelines of the Hon'ble Supreme Court, where, in respect of an accident that had taken place in the year 2013, the notional income has been fixed at Rs.15,000/- . Here, the accident had taken place in the year 2017 and therefore, absolutely there has been no error on the part of the Tribunal in fixing the notional income at Rs.15,000/- per month. It is also to be noted here that the Tribunal has fixed the notional income based on Ex.P.10, salary slips of the deceased.

7.Insofar as the future prospects is concerned, since the deceased was only 29 years old at the time of the accident, such a percentage of 50% was taken into account by the Tribunal and in this context also, we do not find any erroneous approach on the part of the Tribunal.

8. Except these grounds, no other ground has been urged on behalf of the appellant Corporation and based on these grounds, the appellant cannot successfully challenge the impugned award.

9. Even under other heads also, the Tribunal has awarded Rs.15,000/- for loss of estate, Rs.40,000/- for loss of love and affection, Rs.15,000/- for funeral expenses, which are all approved by various decisions of the Hon'ble Apex Court and therefore in none of the heads it can be stated that the Tribunal has erroneously fixed the amount of compensation. Therefore, we do not find any reason to interfere with the impugned award. The civil miscellaneous appeal fails and the



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same is dismissed. No costs. Consequently, connected miscellaneous petition is

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10. It is also stated by the learned counsel for the appellant that the award amount with accrued interest amounting to a sum of Rs.26,76,346/- has been deposited in three installments before the Tribunal. The entire amount deposited with interest lying in the account of the Tribunal can very well be withdrawn by the claimants without any further proceedings.

(R.S.K., J.) (A.D.M.C., J.)
18-02-2025

Index : Yes/No

Neutral Citation : Yes/No

KST

To

The Motor Accidents Claims Tribunal /
Tiruppur.



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