



CMA.No.712 & 488 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :17.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CMA No.712 and 488 of 2025

CMA No.712 of 2025

1.Shanthamma
2.Chinnaveerappa appellantss

Vs.

The Managing Director
TNSTC(Salem) Limited, Salem
Regional Office at Dharmapuri-5 ... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, to enhance the compensation amount made in Judgment and decree dated 25.07.2023 made in MCOP No.484 of 2020 on the file of the MCOP Tribunal, Special District Court, Krishnagiri.

For appellantss : Mr.S.P.Yuaraj
For Respondent :Mr.D.Nitin



CMA.No.712 & 488 of 2025

WEB COPY **CMA No.488 of 2025**

1.Ragu
2.Uma
3.Bowya appellantss

Vs.

The Managing Director
TNSTC(Salem) Limited, Salem
Regional Office at Dharmapuri-5 ... Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, to enhance the compensation amount made in Judgment and decree dated 25-07-2023 made in MCOP.490/2020 on the file of the MCOP Tribunal, Special District Court, Krishnagiri.

For appellants : Mr.S.P.Yuaraj
For Respondent :Mr.D.Nitin

COMMON JUDGMENT

These appeals have been filed by the claimants not satisfied with the quantum of compensation awarded by the Motor Accident Claims Tribunal.



CMA.No.712 & 488 of 2025

WEB COPY

2. It is the case of the claimants that the deceased in CMA.No.712 of 2025 and the deceased in CMA.No.488 of 2025 travelled in a Yamaha R-15 two-wheeler on 11.03.2018. The deceased in CMA.No.712 of 2025 had driven the vehicle and the deceased in CMA.No. 488 of 2025 travelled as a pillion rider. When they were proceeding in Denkanikottai to Hosur Road in front of Nithiya Friends Granite, Bennangur, the bus belonged to the respondent corporation came in a rash and negligent manner and dashed against the two-wheeler. As a result of the accident, both of them received serious injuries and they died on their way to the hospital. Hence, the claim petitions were filed by the parents of the deceased driver of the two-wheeler namely Sivakumar and parents and sister of the deceased Harish, travelled as a pillion rider seeking compensation of Rs. 40,00,000/- each.

3. The Tribunal, based on the evidence available on record, came to the conclusion that the accident had occurred only due to the negligence on the part of the driver of the bus belonged to the respondent corporation. The Tribunal fixed the compensation payable



CMA.No.712 & 488 of 2025

WEB COPY to the claimants in CMA.No.712 of 2025 at Rs.11,79,400/- The compensation payable to the claimants in CMA.No.488 of 2025 was fixed at Rs.12,23,400/-. Not satisfied with the quantum of compensation, the claimants have come before this court by way of this appeal.

4. Both the learned counsel for the appellants/claimants as well as the learned counsel for the respondent corporation have not advanced any arguments on the questions of negligence as well as liability. Therefore, the facts necessary to decide those questions are not discussed in this appeal.

5. The learned counsel for the appellants submitted that the deceased in CMA.No.712 of 2025 was a casual labourer at the time of accident and he was earning a sum of Rs.20,000/- per month and the Tribunal fixed very low notional income at Rs.7,000/- and the same requires enhancement. It is also submitted by the learned counsel that the deceased in CMA.No.488 of 2025 was a Welder cum Electrician and was earning a sum of Rs. 20,000/- per month and the Tribunal fixed very low notional income of Rs.7,000/- and hence, the same requires



CMA.No.712 & 488 of 2025

WEB COPY enhancement.

6. The learned counsel for the respondent corporation submitted that the claimants have not produced any documentary evidence to prove the avocation and income of the deceased persons and hence, the Tribunal was justified in fixing a notional income at Rs.7,000/- per month in each of the cases.

7. As far as the CMA.No.712 of 2025 is concerned, it was averred by the claimants that the deceased was employed as a casual labourer in TVS company and was receiving a salary of Rs.20,000/- per month. In order to prove the avocation and income, the claimants have not produced any documentary evidence. Even though there is no evidence to prove the income, this Court, by taking into consideration the facts and circumstances of the case, can fix the notional income. In the case on hand, the accident had occurred in the year 2018. Taking into consideration the date of accident and the cost of living, this Court is inclined to fix Rs.16,500/- as notional income for the deceased. As per Exhibit P2, Post-Mortem Certificate, the Tribunal fixed the age of the deceased at 19 years. Therefore, the claimants are entitled to 40%



CMA.No.712 & 488 of 2025

WEB COPY enhancement towards future prospects. The applicable multiplier is 18.

Therefore, the loss of dependency is assessed at Rs.24,94,800/- which is calculated as follows:-

$$\text{Rs. } 16,500 \times 1.4 \times 12 \times 18 \times 1 / 2 = \text{Rs. } 24,94,800 \text{ /-}$$

8. The Tribunal granted 10% enhancement in respect of compensation awarded under the conventional heads. The judgment in *Pranay Sethi* case was delivered on 31.10.2017. The accident had occurred in this case is very well within 3 years. Therefore, the claimants are not entitled to 10% enhancement towards conventional heads. In such case, the claimants are entitled to Rs.15,000/- each under the heads loss of estate and funeral expenses. The claimants 1 and 2 are entitled to Rs.80,000/- under the head loss of parental consortium. In all, the claimants are entitled to Rs.26,04,800/- as compensation.

9. The award passed by the Tribunal in MCOP.No.484 of 2020 is modified as follows:-

Sl • N	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or
--------------	-------------	----------------------------------	------------------------------------	--------------------------------------



WEB COPY

o		(Rs)	(Rs)	granted
1.	Loss of dependency	10,58,400/-	24,94,800/-	Enhanced
2.	Loss of estate	16,500/-	15,000/-	Reduced
3.	Funeral expenses	16,500/-	15,000/-	Reduced
4.	Loss of Consortium	88,000/-	80,000/-	Reduced
	Total	11,79,400/-	26,04,800/-	Enhanced by Rs.14,25,400/-

10. With the above modifications, the CMA.No.712 of 2025 is allowed and the compensation awarded by the Tribunal at Rs.11,79,400/- is hereby enhanced to Rs.26,04,800/- It is made clear that the appellants are not entitled to claim interest for the delay period of 320 days. The appellants are entitled to interest at the rate of 7.5% per annum (excluding the delay period of 320 days)from the date of filing of the claim petition till the date of realization. The respondent corporation is directed to deposit the enhanced award amount along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of copy of this Judgment. The appellants in CMA.No.712 of 2025 are permitted to withdraw the same along with interests and costs, less the amount if any, already



CMA.No.712 & 488 of 2025

withdrawn by filing a formal application before the Tribunal. The appellants are directed to pay additional court fee for the enhanced amount.

11. As far as the CMA.No.488 of 2025 is concerned, the claimants averred in the claim petition that the deceased was employed as a welder cum electrician at the time of accident and was earning a sum of Rs.20,000/- per month. However, they have not produced any documentary evidence to prove the avocation and income. Hence, taking into consideration the date of accident and the cost of living, this Court is inclined to fix Rs.16,500/- as notional income. Based on Exhibit P6, Post-Mortem Certificate, the age of the deceased was fixed at 24 years by the Tribunal. Therefore, the claimants are entitled to 40% enhancement towards future prospects. The applicable multiplier is 18. In such case, the loss of dependency is fixed at Rs.24,94,800/-.

$$\text{Rs.16,500} \times 1.4 \times 12 \times 18 \times 1 / 2 = \text{Rs. 24,94,800 /-}$$



CMA.No.712 & 488 of 2025

WEB COPY

12. As mentioned earlier, the accident had occurred well within 3 years from the date of pronouncement of judgment in ***Pranay Sethi*** case. Therefore, the claimants are not entitled to 10% enhancement regarding compensation under the conventional heads. The claimants are entitled to Rs.15,000/- each under the heads loss of estate and funeral expenses. The claimants 1 and 2 are entitled to Rs.40,000/- each towards loss of parental consortium. The 3rd claimant is entitled to Rs.40,000/- under the head loss of love and affection. In all, Rs. 1,20,000/- is fixed under the head loss of consortium and loss of love and affection.

13.The award passed by the Tribunal in MCOP.No.490 of 2020 is modified as follows:-

Sl • No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
---------------	-------------	---	--	---



WEB COPY

1.	Loss of dependency	10,58,400/-	24,94,800/-	Enhanced
2.	Loss of estate	16,500/-	15,000/-	Reduced
3.	Funeral expenses	16,500/-	15,000/-	Reduced
4.	Loss of Consortium	1,32,000/-	1,20,000/-	Reduced
	Total	12,23,400/-	26,44,800/-	Enhanced by Rs.14,21,400/-

14. With the above modifications, the CMA.No.488 of 2025 is allowed and the compensation awarded by the Tribunal at Rs.12,23,400/- is hereby enhanced to Rs.26,44,800/- It is made clear that the appellants are not entitled to claim interest for the delay period of 322 days. The appellants are entitled to interest at the rate of 7.5% per annum (excluding the delay period of 322 days)from the date of filing of the claim petition till the date of realization. The respondent corporation is directed to deposit the enhanced award amount along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of copy of this Judgment. The appellants in CMA.No.488 of 2025 are permitted to withdraw the



CMA.No.712 & 488 of 2025

WEB COPY

same along with interests and costs, less the amount if any, already withdrawn by filing a formal application before the Tribunal. The appellants are directed to pay additional court fee for the enhanced amount.

15. Accordingly, both the civil miscellaneous appeals are allowed. No costs.

17.03.2025

Index:Yes/No
Internet:Yes/No
nr

To

1. Motor Accident Claims Tribunal,
Special District Court, Krishnagiri.
2. The Section Officer,
VR Section,
High Court, Madras.



WEB COPY



CMA.No.712 & 488 of 2025

S.SOUNTAR, J.

nr

CMA No.712 and 488 of 2025

17.03.2025