



C.M.A.No.3203 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.3203 of 2024

1.Vijaya

2.E.Arokiyanathan

3.R.Pramila

4.G.Varalakshmi

5.E.Vinoth Kumar

...Appellants

Vs.

The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan House, Anna Salai,
Chennai – 600 002.

...Respondent(s)

Prayer : Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree dated 05.07.2024 made in M.C.O.P.No.4204 of 2016 on the file of the Motor Accident Claims Tribunal, (the Learned II Court, Motor Accidents Claims Petitions) Small Causes Court, Chennai.

For Appellants : Mr.T.G.Ravichandran

For Respondent(s) : Mr.Anton Dhanasekaran



C.M.A.No.3203 of 2024

WEB COPY

J U D G M E N T

This appeal is filed by the appellants challenging the Judgment and Decree dated 05.07.2024 made in M.C.O.P.No.4204 of 2016 on the file of the Motor Accident Claims Tribunal, II Judge, Court of Small Causes, Chennai.

2.For the sake of convenience, the parties are referred to as per their ranking before the Tribunal.

3.The petitioners are the claimants and the respondent is the Transport Corporation before the Tribunal.

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

On 11.06.2016 at about 11.50 hours, when the deceased was standing in the left side of Nungambakkam High Road, near Bharath Petrol Bunk in front of Konica Colour Lab, at that time, a MTC bus bearing Registration No.TN 01 N 7890, Route No.24-A was came from Jemini to Nungambakkam direction in a very rash and negligent manner



C.M.A.No.3203 of 2024

WEB COPY

and hit the deceased, thereby caused accident. As a result, the deceased sustained head injuries and multiple injuries all over the body and died on the spot. The petitioners filed a claim petition before the Tribunal in M.C.O.P.No.4204 of 2016, the Tribunal awarded a sum of Rs.2,16,000/- as compensation. Aggrieved by the same, the present appeal has been filed.

5.Learned counsel appearing for the appellants submitted that the accident occurred only due to rash and negligent driving by the driver of MTC bus and due to which, the first appellant's husband died on the spot. He further submitted that the compensation awarded by the Tribunal is very meagre and hence, he filed the present appeal for enhancement.

6.Learned counsel appearing for the respondent submitted that Tribunal after considering the oral and documentary evidence has awarded the compensation which is just and reasonable and no interference is required by this Court. Hence, he prayed for dismissal of the appeal.



C.M.A.No.3203 of 2024

WEB COPY

7.Heard learned counsel appearing for the appellants, learned counsel for the respondent and perused the materials available on record.

8.Before the Tribunal, the third petitioner was examined as PW1, Mr.Manikandan, an eyewitness to the accident was examined as PW2 and on the side of the petitioners, 18 documents were marked as Exs.P1 to P18. On the side of the respondent, Mr.Chokkalingam was examined as RW1 and no document was marked.

9.The Tribunal after elaborately discussing the factual aspects awarded a sum of Rs.2,00,000/- for loss of parental consortium for the 1st to 5th petitioners, Rs.15,000/- for funeral expenses, Rs.1,000/- for loss of estate and arrived at a total compensation of Rs.2,16,000/- with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.

10.On perusal of the records, it is seen that the petitioner was aged 64 years and was working as a flower vendor at the time of the accident.



C.M.A.No.3203 of 2024

WEB COPY

11.The amount awarded under the heads loss of estate, in the opinion of this Court is very meagre and this Court is inclined to enhance the amount awarded under the said head. Accordingly, the amount awarded under the head loss of estate is enhanced to Rs.20,000/- from Rs.1,000/-. Though the Tribunal has not awarded any amount for loss of income and loss of love and affection, this Court is inclined to award Rs.5,40,000/-for loss of income and Rs.20,000/- for the loss of love and affection respectively. This Court is of the view that loss of parental consortium is not necessary as already loss of income awarded.

12.Considering the facts and circumstances of the case and the submission made by the learned counsel for the appellants, this Court is inclined to fix Rs.12,000/- as notional income of the deceased, modify the award and accordingly, the compensation awarded by the Tribunal is re-assessed as follows:

(Rs.400/- per day x 30 days = Rs.12,000/- = Rs.12,000/- x 12 x 5 multiplier =Rs.7,20,000 - 1/4 deduction = Rs.5,40,000/-)



WEB COPY

S.No.	Description	Amount awarded by Tribunal (in Rs.)	Amount awarded by this Court (in Rs.)
1	Loss of parental consortium for the 1 st to 5 th petitioners	2,00,000/-	-
2	Funeral expenses	15,000/-	15,000/-
3	Loss of estate	1,000/-	20,000/-
4	Loss of love and affection	-	20,000/-
5	Loss of income	-	5,40,000/-
	Total	2,16,000/-	5,95,000/-

13.The appellants/claimants are entitled to total compensation of Rs.**5,95,000/-** along with interest at the rate of 7.5% p.a. from the date of petition till the date of realization.

14.The judgment and decree passed by the Motor Accident Claims Tribunal/II Judge, Court of Small Causes, Chennai in M.C.O.P.No.4204 of 2016 dated 05.07.2024 is modified to the above extent.

15.The respondent Transport Corporation is directed to deposit the modified/enhanced award amount before the Tribunal within a period of



C.M.A.No.3203 of 2024

WEB COPY

8 weeks from the date of receipt of a copy of this judgment. On such deposit being made, the appellants/claimants are permitted to withdraw the amount along with accrued interest and proportionate costs, after deducting the amount already withdrawn, if any, on making proper and necessary application before the Tribunal. The other directions issued by the Tribunal with regard to the mode of payment of compensation and apportionment remain unaltered.

16.The appellants/claimants shall not be entitled to any interest for the period of delay, if any, in filing the appeal. The appellants/claimants are directed to pay the requisite Court fee for the enhanced compensation amount, if required. The Motor Accident Claims Tribunal/II Judge, Court of Small Causes, Chennai shall disburse the enhanced amount upon production of certified copy showing proof of payment of Court fee by the appellants/claimants.

17.The Civil Miscellaneous Appeal is partly allowed with the above terms. No costs.



C.M.A.No.3203 of 2024

WEB COPY

06.08.2025

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



C.M.A.No.3203 of 2024

WEB COPY

To

- 1.The Motor Accidents Claims Tribunal,
II Judge, Court of Small Causes, Chennai.
- 2.The Section Officer,
VR Section,
High Court of Madras, Chennai – 600 104.



WEB COPY



C.M.A.No.3203 of 2024

T.V.THAMILSELVI, J.

pam

C.M.A.No.3203 of 2024

06.08.2025