



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2622 of 2021

AND

CMP NO. 15037 OF 2021

The Managing Director
Tamil Nadu State Transport
Corporation, No.3/137, Salamedu,
Vazhudhareddy, Villupuram.

Appellant

Vs

1. Arumugam

2.Revathi

3.Rathna

4.Venkatesan

5.The New India Assurance Co.Ltd.
No. 128 A.L. Thiru.Vi.Ka St,
Villupuram.

Respondents

**PRAYER**

Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to set aside the Decree and Judgment dated 30.08.2019 made in M.C.O.P.No. 134 of 2016 on the file of the Motor Accident Claims Tribunal, Special District Judge, Villupuram and be pleased to dismiss the above claim as against the appellant.

For Appellant: Mr.K.J.Sivakumar

For Respondents: Mr.D.Senthilkumar For R1 To
R3
Mr.S.Dhakshnamoorthy For R5
R4 - Insufficient Address

JUDGMENT

Challenging the impugned award passed by the Motor Accident Claims Tribunal, Special District Judge, Villupuram in MCOP No.134 of 2016, dated 30.08.2019, the appellant/1st respondent insurance company preferred this Civil Miscellaneous Appeal.

2.The case of the respondents/petitioners 1 to 3 is that on 30.07.2015 at about 02.30 hours. when the deceased Ramachandran riding a car bearing Regn. No.PY-01 X-3233 along with his relatives from Kandachipuram to Villupuram , on Villupuram-Tiruvannamalai NH Road, near Shozhaganur village, at that



time, the driver of a bus bearing Regn. No. TN-32-N-3661 came in the opposite direction in a rash and negligent manner, dashed the car and caused accident.

WEB COPY

Due to which, deceased sustained grievous head injuries and died on the spot.

Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.40,00,000/-.

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 rider of the appellant transport corporation. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.22,03,932/- under various heads and the said compensation was directed to be paid with interest at the rate of 7.5% per annum.

4. The Insurance Company aggrieved by the quantum of compensation fixed by the Tribunal has filed the present appeal before this Court.

5. The learned counsel for appellant argues that the accident happened in the year 2015, but the tribunal had erroneously fixed the income of deceased as Rs.10,000/-. Therefore, the appellant challenged the same stating that though



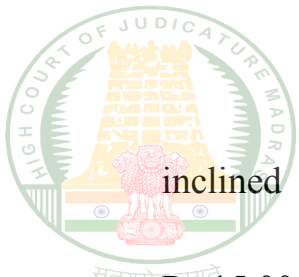
WEB COPY

the deceased was a bachelor, the income of deceased has not been properly considered. Moreover, the deduction towards personal expenses must be arrived at $1/2$, but the tribunal had deducted $1/3^{\text{rd}}$. Hence, he prayed to modify the deduction made by the tribunal.

6. The learned counsel for respondents 1 to 3 would submit that deceased have two unmarried sisters. Hence, deduction towards personal expenses was applied as $1/3$, which needs no interference.

7. Heard and considered rival submissions made by learned counsel for appellant and respondents 1 to 3 and perused materials available on record.

8. Considering both side submissions, the fact reveals that admittedly, sisters would not be considered as dependants and the tribunal ought to have arrived the deduction towards personal expenses at $1/2$. Therefore, to that effect, the objections raised by the appellant is sustainable one. However, the deceased was a driver by profession, thereby he would have earned a sum of Rs.500/- per day and a sum of Rs.15,000/- per month. Considering that and also considering the fact that the accident happened in the year 2015, deceased was aged about 27 years and also considering the cost of living at that time, this Court is



inclined to enhance his notional monthly income from Rs.10,000/- to Rs.15,000/- and also the deduction towards personal expenses is to be arrived as 1/2.

9. Furthermore, the Tribunal has granted only a sum of Rs.40,000/- under the head of 'Loss of love and affection', however, each of the respondents 1 to 3 are entitled for a sum of Rs.40,000/- under this head. Accordingly, the total compensation under this head is fixed at Rs.1,20,000/- (Rs.40,000/- x 3). 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.15,000/- (add 40% future prospects) = 15000 + 6000 = 21000 21000 x 12 x 17 (multiplier) = 42,84,000 – 1/2 (21,42,000) = 21,42,000	19,03,932	21,42,000	enhanced



S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Award confirmed or granted or enhanced
2.	Loss of filial consortium	40,000	40,000	confirmed
3.	Funeral expenses	15,000	15,000	confirmed
4.	Loss of estate	15,000	15,000	confirmed
5.	Loss of love and affection	1,50,000	1,20,000	reduced
	Total	22,03,932	23,32,000	enhanced

11. Accordingly, the compensation awarded by the tribunal at Rs.22,03,932/- is enhanced to Rs.23,32,000/-. The appellant 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 compensation amount now determined by this Court, the respondents 1 to 3 are entitled to share the amount proportionately as ordered by the Tribunal and they are permitted to withdraw the award amount along with interest and costs, less the amount, already withdrawn. Insofar as the compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellant. The other directions issued by the



Tribunal with regard to the mode of payment of compensation remains
unaltered.

WEB COPY

12. In the result, the Civil Miscellaneous Appeal is disposed of. No costs.
Consequently, the connected Civil Miscellaneous Petition is closed.

28-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

rpp

To

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



WEB COPY

CMA No. 2622 of 2021



T.V.THAMILSELVI J.

rpp

**CMA No. 2622 of 2021
AND CMP NO. 15037
OF 2021**

28-08-2025