



C.M.A.No.3292 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **10.11.2025**

CORAM

THE HONOURABLE MRS JUSTICE R. KALAIMATHI

C.M.A.No.3292 of 2025

and C.M.P.No.27293 of 2025

The Managing Director
Tamil Nadu State Transport Corporation Limited,
Kumbakonam Division.

.. Appellant / Respondent

Vs.

1. Ezhilselvi

2. Minor Svaranjini

3. Minor Santhosh

(2 & 3 Minor petitioners represented by next friend and guardian
1st petitioner Ezhilselvi)

4. Bakkiyam

5. Pavendan

..Respondents/Petitioners

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Award dated 12.02.2025 made in M.C.O.P.No.249 of 2021 on the file of Motor Accident Claims Tribunal, Tindivanam and be pleased to dismiss the above claim as against the appellant.

For Appellant : Mr.M.Murali Vinodh



JUDGMENT

WEB COPY

The Managing Director, Tamil Nadu State Transport Corporation, Kumbakonam Division, has preferred this Civil Miscellaneous Appeal against the Award dated 12.02.2025 passed in M.C.O.P.No.249 of 2021, Motor Accident Claims Tribunal, Tindivanam, for a change in the quantum of compensation.

2. The legal heirs of the deceased Parthiban, filed a claim petition under Section 166(1) of the Motor Vehicles Act, 1988, claiming compensation of Rs.50,00,000/- for the death of Parthiban who died in a road traffic accident that occurred on 21.02.2021.

3. The Tribunal upon consideration of entire records and after hearing arguments advanced by the learned counsels on either side granted compensation of Rs.25,31,000/- with interest at the rate of 7.5% per annum from the date of petition. The amounts awarded under various heads are given as follows:-

“For loss of income Rs.22,68,000/-, for funeral expense Rs.16,500/-, for loss of estate Rs.16,500/-, under the head of loss of consortium for all the claimants Rs.2,20,000/-, for transportation expenses Rs.10,000/-, in all Rs.25,31,000/- is



C.M.A.No.3292 of 2025

granted.”

WEB COPY

4. It is the evidence of P.W1 - Ezhilselvi that the deceased was working as Musician and Agriculturalist and earning a sum of Rs.40,000/- per month at the relevant point of time. Ex.P8 is the identity card of the deceased issued by the Villupuram District Naiyandi, Nathaswaram, Thavil and all rural musicians Association. To support the case of the claimants, P.W1 – Ezhilselvi was examined and one Velu, who had been working along with him was examined as P.W3. In consideration of the oral evidence of P.W1 and P.W3, and Ex.P8, the Tribunal fixed the notional income of the deceased as Rs.12,000/-. The deceased was 36 years of age at the relevant point of time. In consideration of the above said details, fixing of notional income at Rs.12,000/- per month appears to be reasonable and acceptable. This Court is of the considered view that the amounts granted under different heads also appears to be reasonable and hence does not warrant any interference by this Court.

5. In the result,

(i) This Civil Miscellaneous Appeal stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition stands closed.

(ii) The compensation awarded by the Tribunal is confirmed.

(iii) The Appellant / Insurance Company is directed to deposit the compensation amount awarded by the Tribunal i.e. Rs.25,31,000/- (less the



C.M.A.No.3292 of 2025

amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition till the date of realisation (excluding the period of default if any) to the credit of M.C.O.P.No.249 of 2021 on the file of Motor Accident Claims Tribunal, Tindivanam, within a period of eight weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the claimants no.1, 4 and 5 are at liberty to withdraw the same along with interest and costs as apportioned by the Tribunal, less the amount if any already withdrawn, by making necessary cheque application before the Tribunal.

(v) The share of the minors shall be deposited in any one of the nationalized bank till the minors attains majority and the 1st petitioner, mother of the minors, Ezhilselvi is permitted to withdraw quarterly interest from the said amount.

(vi) The claimants are directed to pay the Court fee for the compensation amount awarded by the Tribunal, if any.

(vii) The Tribunal below shall disburse the amount upon production of the certified copy showing proof of payment of Court fee by the claimants.

10.11.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No



C.M.A.No.3292 of 2025

WEB COPY **Copy to**

1. The Motor Accidents Claims Tribunal, Tindivanam
2. The Section Officer,
VR Section,
High Court, Madras.



WEB COPY



C.M.A.No.3292 of 2025

R. KALAIMATHI, J.

Mac

C.M.A.No.3292 of 2025
and C.M.P.No.27293 of 2025

10.11.2025