



C.M.A.No.356 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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**DATED : 29.04.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**C.M.A.No.356 of 2025**

1.S.Manikandan

2.Revathi

... Appellants

VS.

The Managing Director,  
Tamil Nadu State Transport Corporation (VPM) Ltd.  
Kanchipuram Region,  
Kanchipuram – 631 501.

... Respondent

**PRAYER:** Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to enhance the award against the Judgment and Decree dated 01.02.2023 and made in M.A.C.T.O.P.No.1001 of 2018 on the file of the Motor Accident Claims Tribunal, Chennai (Special Sub Court No.1, Motor Accident Claim Petitions) Small Causes Court, Chennai.

For Appellants : Mr.F.Terry Chellaraja  
for M/s.M.Malar

For Respondent : No Appearance



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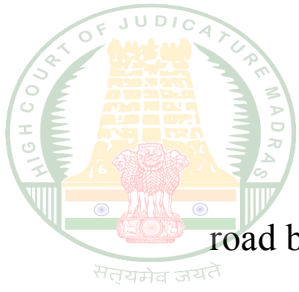
## **J U D G M E N T**

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Not satisfied with the quantum of compensation awarded by the Motor Accident Claims Tribunal, (Special Sub Court No.1, Motor Accident Claim Petition) Small Causes Court, Chennai in M.A.C.T.O.P.No.1001 of 2018 dated 01.02.2023, the claimants have come before this Court.

2. It is the case of the appellants/claimants that father of the claimants namely Sampath died in a road accident that had taken place on 16.07.2017. According to them, the deceased was crossing G.S.T. Road near Arasan Petrol Bunk, Kattankolathur, Kanchipuram District and at that point of time, a bus bearing Registration No.TN-32-N-3065 belonged to the Respondent-Transport Corporation came in a rash and negligent manner and hit the deceased. As a result of the accident, the deceased sustained grievous injuries and died. Therefore, the claim petition was filed seeking compensation of Rs.25,00,000/-.

3. The Respondent-Transport Corporation filed counter and denied any negligence on the part of its driver. It was the case of the respondent-corporation that the accident had occurred only due to sudden crossing of



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road by the deceased.

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4. Before the Tribunal, the 1<sup>st</sup> appellant/1<sup>st</sup> claimant was examined as PW.1 and yet another witness was examined as PW.2 and 8 documents were marked as Exs.P1 to P8 on behalf of the claimants. On behalf of the Respondent/Transport Corporation, no witness was examined and no document was marked.

5. The Tribunal based on the oral evidence of PW.1, PW.2 and contents of FIR-Ex.P1, came to the conclusion that accident had occurred only due to the rash and negligent driving of the bus by the respondent-corporation's driver. The compensation payable to the claimants was quantified at Rs.11,26,400/-. Not satisfied with the quantum of compensation, the claimants have come before this Court.

6. The learned counsel appearing for the appellants/claimants would submit that the notional income of Rs.10,500/- fixed by the Tribunal is very meagre and the same requires enhancement.



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7. Though notice is served on the Respondent-Transport Corporation and its name appear in the cause-list, there is no representation for the respondent.

8. In the claim petition, it was stated by the claimants that the deceased was working as a Security in S.R.M. University, Potheri, Kanchipuram District and his last drawn salary was at Rs.12,000/- per month. However, in order to prove the avocation and income of the deceased, claimants have not produced any documentary evidence. Even if there is no proof for income of the deceased, this Court can fix notional income by taking into consideration the facts and circumstances of the case. In the case on hand, the accident had occurred in the year 2017. Therefore, taking into consideration the date of accident and the prevailing cost of living and plea made by the claimants in the claim petition, this Court is inclined to fix Rs.12,000/- as notional income for the deceased. As per Ex.P2-Post Mortem report, the Tribunal fixed the age of the deceased at 52 years. Therefore, the claimants are entitled to 10% enhancement towards future prospects. The applicable multiplier is 11. Since there are two dependents, 1/3<sup>rd</sup> of the amount shall be deducted towards his personal



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expenses. Therefore, the loss of dependency is fixed at Rs.11,61,600/-

WEB.COM (Rs.12,000 x 1.1 x 12 x 11 x 2/3).

9. In addition to the above said amount, the claimants are entitled to Rs.40,000/- each towards loss of love and affection and Rs.15,000/- each toward loss of estate and funeral expenses as per the law laid down by the Apex Court in *National Insurance Company Limited vs. Pranay Sethi and others* reported in (2017) 16 SCC 680.

10. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-

| Sl. No. | Description                                                  | Compensation awarded by the Tribunal | Compensation awarded by this Court | Remarks                   |
|---------|--------------------------------------------------------------|--------------------------------------|------------------------------------|---------------------------|
| 1.      | Loss of Dependency                                           | Rs.10,16,400/-                       | Rs.11,61,600/-                     | Enhanced                  |
| 2.      | Loss of Consortium is modified as loss of love and affection | Rs.80,000/-                          | Rs.80,000/-                        | Confirmed                 |
| 3.      | Loss of Estate                                               | Rs.15,000/-                          | Rs.15,000/-                        | Confirmed                 |
| 4.      | Funeral Expenses                                             | Rs.15,000/-                          | Rs.15,000/-                        | Confirmed                 |
| Total   |                                                              | Rs.11,26,400/-                       | Rs.12,71,600/-                     | Enhanced by Rs.1,45,200/- |



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11. Accordingly, the total compensation payable to the claimants is fixed at Rs.12,71,600/-. The Respondent-Corporation is directed to deposit the enhanced award amount of Rs.12,71,600/- together with interest at the rate of 7.5% per annum from the date of claim petition to the date of realisation, to the credit of M.A.C.T.O.P.No.1001 of 2018 on the file of the Motor Accident Claims Tribunal, (Special Sub Court No.1, Motor Accident Claim Petition) Small Causes Court, Chennai, less any amount already deposited, within a period of six weeks from the date of receipt of copy of this judgment. On such deposit, the claimants are permitted to withdraw the award amount by making formal application before the Tribunal.

12. With the above direction, the Civil Miscellaneous Appeal is partly allowed. It is made clear that the claimants are not entitled to claim interest for the delay period of 557 days as per the order made in C.M.P.No.30023 of 2024, dated 22.01.2025. No costs.

**29.04.2025**

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



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To

- 1.The Motor Accident Claims Tribunal, Chennai,  
(Special Sub Court No.1, Motor Accidents Claims Petitions)  
Small Causes Court, Chennai.
- 2.The Managing Director,  
Tamil Nadu State Transport Corporation (VPM) Ltd.  
Kanchipuram Region,  
Kanchipuram – 631 501.
- 3.The Section Officer,  
VR Section, High Court,  
Madras.



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**S.SOUNTHAR, J.**

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