BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2025

CORAM :

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

C.M.A.(MD).No.564 of 2025
and
CMP(MD)No.9557 of 2025

The Managing Director,
Tamil Nadu State Transport Corporation Ltd,
Kumbakonam Zone,
Karaikudi Branch,
Kumbakonam. ... Appellant/Respondent

Vs.

Rajavalli ... Respondent/Claimant

PRAYER : Civil Miscellaneous Appeal has been filed under Section 173 of Motor Vehicles Act, 1988, to allow this appeal by setting aside the order and decreetal order dated 06.03.2024 made in MCOP.No.488 of 2020 on the file of the Motor Accident Claims Tribunal/The Special District Court, Tiruchirappalli.

For Appellant : Mr.K.Ramaiah
Standing Counsel for TNSTC
(Madurai, Kumbakonam, Tirunelveli)

For Respondent : Mr.C.Vakeeswaran

ORDER

The appellant/Transport Corporation has filed this Civil Miscellaneous Appeal challenging "*only the quantum of compensation*" awarded in MCOP.No.488 of 2020 on the file of the Motor Accident Claim Tribunal/The learned Special District Court, Tiruchirappalli.

2.It is a case of fatal accident, which took place on 31.07.2018, at about 08.15 a.m., when the deceased T.Sathish and his salesman one Mr.Muthukumaran were travelling on YAMAHA FZ bike bearing Reg.No.TN-48-AV-8055 from Lalgudi to Trichy on East - West road, near Velayuthampuram and near Saraswathy Teacher Training College, the respondent bus bearing Reg.No.TN-45-N-2731 came from the opposite direction in high speed rashly and negligently and hit against the two wheeler, due to which the deceased sustained grievous injuries and died.

3. Hence, a case in Crime No.346 of 2018 was registered against the driver of the bus for the offence under Sections 279 and 304 (A) of I.P.C., by Lalgudi Police. The respondent filed a claim petition in M.C.O.P.No.488 of 2020 on the file of the Motor Accident Claims Tribunal/Special District Court, Tiruchirappalli, before the Tribunal seeking compensation of Rs. 1,50,00,000/-.

4. The appellant/Transport Corporation filed a counter denying the negligence and also the monthly income of the deceased.

5.Before the Tribunal, on the side of the claimant two witnesses were examined as P.Ws.1 & 2 and marked 15 documents as Exs.P.1 to P.15 and on the side of the insurance company R.W.1 was examined and Ex.R.1 & Ex.R.2 were marked.

6. **Finding of the Tribunal:**

The Tribunal, after considering all the aspects, fixed the negligence on the driver of the vehicle and fixed the income of the deceased at Rs.1,53,585/- per annum after deducting the amount towards Professional Tax Rs.2,500/- and 10% of Income Tax ie., Rs.25,597/- and 1/3 amount i.e. Rs.76,792/- towards personal expenses. Since the age of the deceased was 25 years, multiplier of '18' was taken into account and also added 40% towards future prospects, granted Rs.40,000/- towards Loss of Love and affection, Rs.15,000/- towards funeral expenses and Rs.15,000/- towards Loss of Estate and totally awarded a sum of **Rs.39,40,342/-** as compensation under the following heads:-

Sl.No.	*Head*	*Amount in Rupees*
1.	Loss of Dependency	Rs.27,64,530/-
2.	Future Prospects	Rs. 11,05,812/-
3.	Loss of Love and affection	Rs. 40,000/-
4.	Funeral expenses	Rs. 15,000/-
5.	Loss of Estate	Rs. 15,000/-
	Total	**Rs.39,40,342/-**

7. Challenging the same, the appellant/Transport Corporation has filed this appeal questioning the quantum.

8. The learned counsel appearing for the appellant/Transport Corporation would submit that the deceased is a bachelor and hence, without deducting 1/2 amount towards his personal expenses, the Tribunal has deducted 1/3 amount towards personal expenses which is against the law laid down by the Hon'ble Supreme Court in ***Sarla Verma and others Vs. Delhi Transport Corporation and another*** reported in ***2009(2) TN MAC 1 (SC)***. Therefore, he seeks to reduce the compensation awarded by the tribunal.

9.1. The learned counsel for the respondent/claimant would submit that the tribunal, based on the evidence of independent witness/P.W.2, fixed the entire negligence upon the driver of the appellant's Corporation since the said evidence is cogent and trustworthy and no evidence was adduced to disbelieve his evidence.

9.2. Apart from that, the respondent/claimant disputed the proposition of the learned counsel for the appellant/Transport corporation with regard to the deduction towards personal expenses and seeks to confirm 1/3 deduction towards personal expenses as per the decision of the tribunal considering the age of the mother and she has no other relative and she is solely depending upon the income of the deceased.

10. This Court heard the rival submissions made on either side and perused the award passed by the Tribunal.

11.The following points arise for consideration of this appeal:-

i) Whether the compensation granted is in accordance with law?

12. The deceased Sathish was doing business by running a Agency namely, '*Thambi Agencies*', which was registered under Certificate of Registration from Tamil Nadu Commercial Taxes Department, GST, and Government of India. To prove the same, Ex.P.6 and Ex.P.7 were marked. Ex.P.8 also proved that the deceased was an Income Tax Assessee. Ex.P.9 an Ex.P.10 are the Profit and Loss account of Thambi Agencies and Bank statement of Thambi Agencies. The deceased is a income tax assessee and

produced a PAN card under Ex.P.14. Further, the deceased was a skilled person and before death, he also intended to expand his business. At the time of accident, the deceased was earning more than Rs.1,00,000/- per month from the 'Thambi Agencies' and also from the Real Estate business. The claimant produced the death certificate stating that the deceased was aged 25 years. Hence, the Tribunal has rightly taken a sum of Rs.2,30,377/- as annual income of the deceased.

13.1. **Calculation of the amount:**

13.1.1. As per the judgment of the Hon'ble Supreme Court in the case of ***Sarla Verma and others Vs. Delhi Transport Corporation and another*** reported in ***2009(2) TN MAC 1 (SC)*** **,** 1/3rd amount should be deducted for personal expenses. As per Ex.P.3, Death Certificate the age of deceased is 25 years. Hence, the loss of income is calculated as below:

Annual Income of the deceased is Rs.2,30,377/-. The amount after deducting 1/2 towards his personal expenses is Rs.1,15,188/-. After adding 40% future prospects, the amount comes around Rs.1,61,263/- (Rs.1,15,188/- + Rs.46,075/-) and hence, the total annual income is Rs.1,61,263/- and after adopting multiplier of '18', it comes around **Rs.29,02,734/-.**

13.1.2. The tribunal awarded a sum of Rs.15,000/- towards Funeral Expenses. As per ***Pranay Sethi case,*** funeral expense has to be awarded Rs.25,000/-. Hence, the amount under the head of Funeral Expenses is enhanced from Rs.15,000/- to **Rs.25,000/-.**

13.1.3. The tribunal awarded the amount of Rs.40,000/- under the head of Loss of Love and Affection and also awarded an amount of Rs.15,000/- under the head of Loss of Estate. Since the same are reasonable, this Court is not inclined to modify the same.

13.1.4. Therefore, in total, the claimant is entitled to a sum of **Rs.29,82,734/-** as compensation. The compensation already awarded by the tribunal is **Rs.39,40,342/-**.

14.Conclusion:

The compensation amount of **Rs.39,40,342/-** awarded by the Tribunal to the claimants is re-determined as follows:-

Sl. No.	***Head***	***Amount awarded by the Tribunal***	***Re-quantified amount by this Court***	***Status***
1.	Loss of Income	Rs.38,70,342/- (Rs.27,64,530/- +Rs. 11,05,812/-)	**Rs.29,02,734/-** [Rs.2,30,377/ - ½ =1,15,188/- + 40% = Rs.1,61,263/- x 18]	Reduced
2.	Loss of Love and affection	Rs. 40,000/-	**Rs. 40,000/-**	confirmed
3.	Funeral expenses	Rs. 15,000/-	**Rs. 25,000/-**	enhanced
4.	Loss of Estate	Rs. 15,000/-	**Rs. 15,000/-**	confirmed
	Total	**Rs.39,40,342/-**	**Rs.29,82,734/-**	**Reduced**

15.In the result, the Civil Miscellaneous Appeal is partly allowed. The compensation awarded in M.C.O.P.No.488 of 2020, on the file of the Motor Accident Claims Tribunal/Special District Court, Tiruchirappalli, dated 06.03.2024 is hereby reduced from **Rs.39,40,342/-** (**Rupees Thirty Nine Lakhs Forty Thousand and Three Hundred and Forty Two Only**) to **Rs.29,82,734/- (Rupees Twenty Nine Lakhs Eighty Two Thousand and Seven Hundred and Thirty Four Only)**. The appellant/Transport Corporation is directed to deposit the modified award amount with accrued interest and costs, less any amount if already deposited, within a period of **8 weeks** from the date of receipt of a copy of this order. The respondent/claimant is permitted to withdraw the amount. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

04.07.2025

NCC : Yes/No
Index :Yes/No
Internet:Yes/No
dss

To

1. The Motor Accident Claims Tribunal/
Special District Court,
Tiruchirappalli.

2.The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

K.K.RAMAKRISHNAN, J.

dss

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