



C.M.A. (MD) No. 547 of 2025

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DATED : 24.06.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.M.A.(MD)No.547 of 2025

and

C.M.P.(MD)No.9291 of 2025

Tamil Nadu State Transport Corporation,
Managing Director,
Periyamilagu Parai,
Trichy-620001.

... Appellant/
Respondent

Vs.

1.Pandiselvi

2.Minor.Vinayak

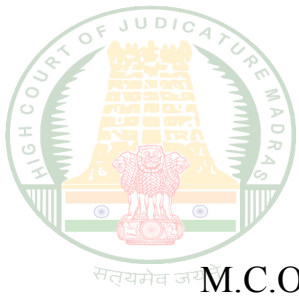
3.Minor.Sriram

4.Seetha

*(2nd and 3rd minor respondents rep. by their
mother and Guardian, Pandiselvi, the 1st
respondent)*

... Respondents/
Petitioners

Prayer : This Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the award/order dated 28.11.2024 made in



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M.C.O.P.No.441 of 2023 on the file of the Motor Accident Claim Tribunal/the learned Special District Judge, No.II, Trichy under Section 173 of the Motor Vehicle Act, 1988.

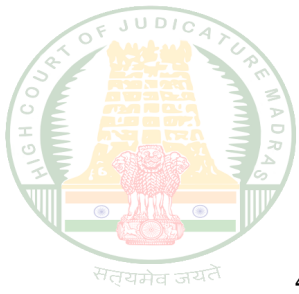
For Appellant : Mr.K.Ramaiah

JUDGMENT

The Civil Miscellaneous Appeal is directed against the award passed in M.C.O.P.No.441 of 2023 dated 28.11.2024 on the file of the Motor Accident Claims Tribunal/Special District Court No.II to deal with MCOP cases, Tiruchirappalli.

2. The appellants/Transport Corporation, who was mulcted with liability to pay compensation of Rs.37,57,900/- (Rupees Thirty Seven Lakhs Fifty Seven Thousand and Nine Hundred only) with interest at 7.5% per annum and costs to the respondents 1 to 4/claimants for the death of one Srithar, consequent to an accident occurred on 19.04.2023, challenged the quantum of compensation awarded at, by the Tribunal.

3. For the sake of convenience and brevity, the parties herein after will be referred to as per their status/ranking in the Tribunal.



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4. During trial, the claimants have examined the first claimant Tmt.Pandiselvi as P.W.1 and one Thiru.Kesavan as P.W.2 and exhibited 8 documents as Ex.P.1 to Ex.P.8. The Transport Corporation has examined its driver Thiru.Sithaiyam as R.W.1 and adduced no documentary evidence. Copy of the Aadhaar Card of P.W.2 came to be exhibited as Ex.X.1.

5. The learned trial Judge, upon considering the evidence, both oral and documentary and on hearing the arguments of both the sides, has passed the impugned award dated 28.11.2024 holding that the bus driver was responsible for the accident, directed the Transport Corporation to pay compensation of Rs.37,57,900/- (Rupees Thirty Seven Lakhs Fifty Seven Thousand and Nine Hundred only) with interest and costs. Aggrieved by the impugned award, the Transport Corporation has preferred the present appeal.

6. As already pointed out, it is pertinent to note that the Transport Corporation has not challenged the negligence aspects and consequent liability fixed on them but only challenged the quantum of compensation



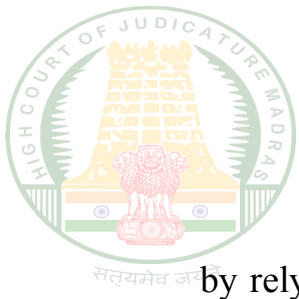
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awarded at, by the Tribunal.

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7. The learned counsel appearing for the Transport Corporation would mainly contend that though the claimants have alleged that the deceased was working as a driver, they have not produced any material to prove the avocation and income of the deceased and the Tribunal, without any basis, fixed the notional monthly income of the deceased at Rs.17,500/- which is very high. He would further contend that the Tribunal erred in awarding higher rate of interest at 7.5% per annum instead of 6% and the same is liable to be interfered with.

8. The claimants, in their claim petition, have stated that the deceased was aged 32 years at the time of accident and he was a driver by profession and owning a TATA ACE vehicle and he was earning Rs.40,000/- per month. No doubt, as rightly pointed out by the learned counsel appearing for the Transport Corporation, the claimants have not produced any iota of evidence to prove the income of the deceased but they have produced the copy of the driving license of the deceased under Ex.P.5. In the absence of any evidence to prove the income, the Tribunal,



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by relying on the judgment of the Hon'ble Supreme Court in ***Syed Sadiq Vs. United India Insurance Company*** reported in **2014 (1) TN MAC 459** and the judgment of this Court in ***Andal and others Vs. Avinav Kannan and another*** reported in **2019 1 TN MAC 54 (DB)** and by applying cost inflation index, has fixed the notional monthly income of the deceased at Rs.17,500/-. Since the accident was occurred on 19.04.2023, cost inflation index for the year 2022-2023 at 348 was taken into consideration and the monthly income was arrived and as such, the same cannot be found fault with. The Tribunal, by relying on the driving license of the deceased, has fixed the age of the deceased as 31 years on the date of accident and the same is not disputed by the Transport Corporation. The Tribunal, by relying the judgment of the Hon'ble Supreme Court in ***National Insurance Company Limited Vs. Pranay Sethi and others*** reported in **2017 (2) TN MAC 609 (SC)** and taking note of the age of the deceased, has added 40% of the income towards future prospects and arrived the monthly income at Rs.24,500/-.

9. As per the dictum laid down by the Hon'ble Supreme Court in ***Sarla Verma and others Vs. Delhi Transport Corporation and another***



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reported in **2009 (2) TN MAC 1 (SC)**, the Tribunal has rightly deducted 1/4th of the income towards personal and living expenses of the deceased and rightly applied multiplier 16 and arrived the loss of dependency at Rs. 35,28,000/-.

10. The Tribunal, by relying on the judgments of the Hon'ble Supreme Court in **Pranay Sethi's** case above referred and **Magma General Insurance Company Ltd, Vs. Nanu Ram alias Chuhru Ram and others** reported in **2018 (4) TAC 345 (SC)**, has rightly awarded Rs.48,400/- to the first claimant/wife for loss of spousal consortium, Rs.48,400/- each to the claimants 2 and 3/children for loss of parental consortium and Rs.48,000/- to the fourth claimant/mother for loss of filial consortium. The Tribunal as per the judgment of the Hon'ble Supreme Court in **Pranay Sethi's** case above referred has rightly awarded Rs.15,000/- for funeral expenses and Rs.15,000/- for loss of estate under the conventional heads. Hence, the total compensation awarded at Rs.37,57,900/- is just and proper and is in accordance with law.

11. Since the Tribunal has only awarded interest at 7.5%, the same cannot said to be excessive.



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12. The appellant/Transport Corporation has not canvassed any other reason or ground to impugn the award. Hence, this Court concludes that the appeal is devoid of merits and the same is liable to be dismissed.

13. In the result, this Civil Miscellaneous Appeal stands **dismissed**. The appellant/Transport Corporation is directed to deposit the award amount together with interest at 7.5% per annum and costs from the date of petition till realization to the credit of M.C.O.P.No.441 of 2023 on the file of the Motor Accident Claims Tribunal / Special District Court No.II to deal with MCOP cases, Tiruchirappalli, after deducting the amount already deposited if any, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit being made, the respondents 1 to 4/claimants are permitted to withdraw their respective shares as per the apportionment fixed by the Tribunal with interest and costs, less any amount already withdrawn, by filing suitable application before the Tribunal. Consequently, connected Miscellaneous Petition is closed. No costs.

24.06.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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K.MURALI SHANKAR,J.

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To:

1. The Special District Judge No.II,
Motor Accident Claims Tribunal,
Tiruchirappalli.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

Judgment made in
C.M.A.(MD)No.547 of 2025
and
C.M.P.(MD)No.9291 of 2025

Dated : 24.06.2025