

C.M.A. (MD) No. 920 of 2025

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DATED : 29.08.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.M.A.(MD)No.920 of 2025

1.Pandiselvi

2.Minor.Vinayak

3.Minor.Sriram

4.Seetha

*(2 and 3 minor petitioners rep. by their
mother and Guardian, Pandiselvi)*

... Appellants

Vs.

Tamil Nadu State Transport Corporation,
Managing Director,
Periyamilaguparai,
Trichy-620001

... Respondent

Prayer : This Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, to allow this appeal, set aside the award and decree made in M.C.O.P.No.441 of 2023 dated 28.11.2024 on the file of the Motor Accident Claims Tribunal/Special District Judge No.II, and enhance the award amount by fixing the monthly income of the deceased at Rs.20,000/-.



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For Appellants : Mr.D.Boopal

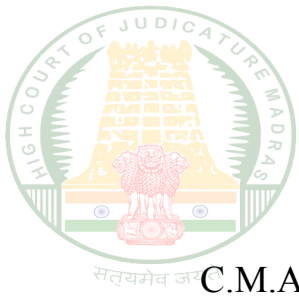
For Respondent : Mr.Micheal Heldon Kumar

JUDGMENT

The Civil Miscellaneous Appeal is directed against the award made 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 / claimants, who were awarded with compensation of Rs.37,57,900/- (Rupees Thirty Seven Lakhs Fifty Seven Thousand and Nine Hundred only) with interest at 7.5% per annum payable by the respondent, for the death of Srithar, consequent to an accident occurred on 19.04.2023, challenged the quantum of compensation awarded at, by the Tribunal.

3. When the matter is taken up for hearing today, the learned counsel appearing for the appellants and the learned counsel appearing for the respondent would submit that the respondent earlier filed an appeal in



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C.M.A.(MD)No.547 of 2025 challenging the very same award and this Court vide judgment dated 24.06.2025 dismissed the appeal and thereby confirmed the award passed by the trial Court.

4. As rightly contended by the learned counsel on either side, the respondent in the earlier appeal has challenged the quantum of compensation alone alleging that it was excessive. Now in the present appeal, the appellants alleging that it was on lesser side claimed enhancement of the same. At this juncture, it is necessary to refer the following passages in the judgment passed in C.M.A.(MD)No.547 of 2025 dated 24.06.2025,

“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, by relying on the judgment of the Hon'ble



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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 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/-.



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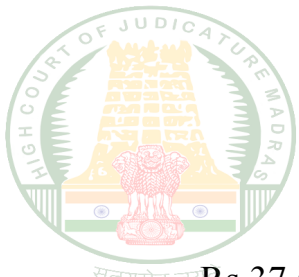
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10. *The Tribunal, by relying on the judgments of the Hon'ble Supreme Court in Pranay Sethi's case above referred and Magma General Insurance Company Ltd, Vs. Nanu Ram alias Chuhru Ram and others reported in 2018 (4) TAC 345 (SC), has rightly awarded 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.*

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."*

5. This Court, considering the entire factual aspects of the case and taking note of the judgments of the Hon'ble Supreme Court, has come to a decision that the total compensation awarded by the Tribunal at



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Rs.37,57,900/- is just and proper and is in accordance with law and by holding so, dismissed the earlier appeal.

6. The learned counsel on either side would submit that the earlier judgment of this Court in C.M.A.(MD)No.547 of 2025 can be taken into consideration.

7. Considering the above, since this Court has already decided the issue with regard to the quantum of compensation, there is absolutely no scope to reopen the issue. Hence, this Court concludes that the appeal is devoid of merits and the same is liable to be dismissed.

8. In the result, this Civil Miscellaneous Appeal stands dismissed and the impugned award dated 28.11.2024 stands confirmed. No costs.

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NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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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.



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K.MURALI SHANKAR,J.

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Judgment made in
C.M.A.(MD)No.920 of 2025

Dated : 29.08.2025