



C.M.A(MD)No.943 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2025

CORAM

THE HONOURABLE MRS.JUSTICE R. KALAIMATHI

C.M.A(MD)No.943 of 2023

1.Malarbeevi
2.Rojabeevi
3.Ayyubkhan

... Appellants/Petitioners

-Vs-

The Managing Director,
Tamil Nadu Government Transport
Corporation(Kumbakonam) Ltd.,
Karaikudi,
Sivagangai District.

... Respondent/Respondent

PRAYER: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicle Act, 1998, as against the judgment and decree dated 09.02.2018, passed in MCOP No.598 of 2015 by the learned Motor Accident Claims Tribunal/Additional District Judge, Pudukottai.

For Appellants : Mr.A.Banumathy
For Respondent : Mr.A.V.R.Krishnakanthi

J U D G M E N T

This Civil Miscellaneous Appeal has been preferred by the dependents of the deceased Magmudha Beevi against the award dated



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09.02.2018 passed in MCOP No.598 of 2015 by the Motor Accident Claims Tribunal/Additional District Court, Pudukkottai, for enhancement of compensation.

2.Heard the learned counsel for the appellants and the learned counsel for the respondent.

3.The claimants herein filed a claim petition claiming compensation of Rs.15 lakhs for the death of Magmudha Beevi, who died on account of the accident that occurred on 19.05.2015.

4.Upon consideration, the Tribunal awarded compensation of Rs.1,88,000/-. For loss of love and affection, a sum of Rs.1,50,000/-, for funeral expenses, a sum of Rs.25,000/-, for transport expenses, a sum of Rs.10,000/- and for damages and clothes, a sum of Rs.3,000/-.

5.The learned counsel for the appellants would contend that the deceased, who was aged about 70 years old, was working as a coolie and



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earning a sum of Rs.15,000/- per month. But the Tribunal did not award any amount for loss of income.

6.It is the evidence of P.W.1-Ayyubkhan, who is the son of the deceased Magmudha Beevi that his mother was working as a helper for the cook and earning a sum of Rs.15,000/- and she was the person who was managing the affairs of the family and she was hale and healthy till her death. As per the post-mortem certificate-Ex.P.2, the age of the deceased Magmudha Beevi, is fixed as 70 years. The date of the accident is 19.05.2015. Relying upon the evidence of P.W.1, the monthly income of the deceased is fixed at Rs.5,000/- per month. The claimants are three in numbers. As regards the deduction for personal and living expenses, the Hon'ble Supreme Court has standardized the deduction details, in **Sarala Varma and others Vs Delhi Transport Corporation and another**, reported in **2009(2) TNMAC 1**. As the family members are three in numbers, then $1/3^{\text{rd}}$ has to be deducted from the monthly income, while computing the loss of dependency. As per the **Sarala Varma case**(cited supra) the relevant multiplier to be adopted is 5m. Based on the aforesaid



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details, for computing the loss of dependency, the following formula emerges: $4,000/- - \frac{1}{3} \times 12 \times 5 = 1,60,020/-$.

7.As regards the other heads, the amounts awarded by the Tribunal appears to be reasonable and acceptable and needs no interference. The compensation awarded by the Tribunal is reworked and tabulated hereunder.

S. No	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	For Loss of Income	--	Rs.1,60,020/-	Granted
2.	For loss of love and affection	Rs.1,50,000/-	Rs.1,50,000/-	Confirmed
3.	For Funeral expenses	Rs.25,000/-	Rs.25,000/-	Confirmed
4.	For Transportation	Rs.10,000/-	Rs.10,000/-	Confirmed
5.	For damage ad clothes	Rs.3,000/-	Rs.3,000/-	Confirmed
	Total	Rs.1,88,000/-	Rs.3,48,000/-	Enhanced at Rs.1,60,000/-

8. In the result,

(i) The Civil Miscellaneous Appeal stands allowed.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.1,88,000/- to Rs.3,48,000/-.

(iii) The respondent/Transport Corporation is directed to deposit



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the enhanced compensation amount i.e., Rs.3,48,000/- (less the 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 deposit to the credit of M.C.O.P.No.598 of 2015 on the file of Motor Accidents Claims Tribunal / Additional District Judge, Pudukkottai, within a period of eight (8) weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the claimants/appellants are permitted to withdraw the award amount along with interest and costs as apportioned by the Tribunal, after adjusting the amount, if any already withdrawn, by filing necessary application before the Tribunal.

(v) The claimants/appellants are directed to pay the Court fee for the enhanced compensation amount, if required.

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

(vii) No costs.

31.01.2025

NCC:Yes/No

Index:Yes/No

Internet::Yes/No



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R. KALAIMATHI,J.

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To

1.The Motor Accident Claims Tribunal/
Additional District Judge,
Pudukottai.

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