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C.M.A.No.203



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2026

CORAM:

THE HON'BLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No.203 of 2023

1. G. Chellammal
2. K. Ganesan

... Appellants

Versus

The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan House, Anna Salai,
Chennai – 600 002.

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, pleaded to enhance the award made in M.C.O.P.No.7538 of 2015, dated 18.08.2022, on the file of the Principal Special Judge, Special Court under E.C. & NDPS Act, Chennai.

For Appellant	: Mr. S. Sankaralingam
For Respondent	: Mr. A. Vinothraj

JUDGMENT

This Civil Miscellaneous Appeal is directed as against the award passed in M.C.O.P.No.7538 of 2015, dated 18.08.2022, on the file of the Principal Special Judge, Special Court under E.C. & NDPS Act, Chennai.



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2. Briefly stated, on 06.03.2015, at about 19.00 hours, when the deceased, G.Mohan was riding his motorcycle bearing Reg.No.TN-07-BP-3961 in Rajeev Gandhi Salai, near Sholinganallur bus stop from north to south direction, the MTC Bus bearing Reg.No. TN-01-N-9461, driven by its driver in a rash and negligent manner, endangering public safety came at a high speed from the same direction, dashed against the deceased's motor cycle from the rear-side and thereby caused the accident. The accident happened due to the rash driving of the bus by its driver and the respondent being the owner is vicariously and statutorily liable to pay the compensation to the petitioners.

2.1. The petitioners are the parents of the deceased. The deceased was aged about 23 years, while studying 3rd year, B.Com (C.A) he was working part-time as an Intern at M/s. Green T Technologies Pvt. Ltd., and was earning a stipend of Rs.9,000/- per month at the time of the accident. Hence, the claim petition is filed by the parents of the deceased for a compensation of Rs.30,00,000/-.

3. The learned counsel for the 2nd Respondent/Insurance Company submitted that the deceased was driving in a rash and negligent manner and has thus invited the accident. The deceased lost his balance and hit another two wheeler, skid on the road and came in contact with the left front bumper of the respondent/Corporation bus. The driver of the MTC bus immediately applied sudden brake and stopped the bus. The fatal injuries were caused by the collision with the other two wheeler and



consequent skidding. The respondent also denies that the deceased was a 3rd year

B.Com student, working as an intern and earning Rs.9,000/- per month. Hence prayed to dismiss the petition. The Tribunal awarded a sum of Rs.18,60,000/- as compensation. Aggrieved over the quantum of compensation the claimants have preferred this appeal.

4. Heard both sides. Records perused.

5. This Court is of the considered opinion that based on Exs.P1 to P6 and since the 2nd respondent has not filed any documentary evidence to prove their side, the accident happened due to the rash and negligent driving of the MTC bus.

6. Considering the facts and circumstances of this case, the year of accident and the plight of the claimant, this Court deems it fit to enhance the income of the deceased. After adding 40% towards future prospects and deducting 50% towards personal expenses and using multiplier of 18, the loss of dependency is arrived at Rs.19,65,600/-. The other amounts awarded by the Tribunal are confirmed.

Calculation

Income (13,000×12)	= Rs.1,56,000
40% Future Prospects	= Rs.2,18,400
Multiplier 18	= Rs.39,31,200
Personal expenses (50%)	= 39,31,200×50%
Loss of Dependency	= Rs.19,65,600/-



7. Therefore, this Court finds it reasonable to enhance the compensation under the various heads, which are as follows:

S.No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted.
1.	Loss of dependency	13,60,800	19,65,600	Enhanced
2.	Medical Expenses	3,76,693	3,76,693	Confirmed
3.	Loss of Estate	16,500	16,500	Confirmed
4.	Funeral Expenses	16,500	16,500	Confirmed
5.	Loss of Consortium	88,000	88,000	Confirmed
	TOTAL	18,58,493/- rounded off as 18,60,000/-	24,63,293/- rounded off as 24,64,000/-	Enhanced by Rs.6,04,000/-

8. As a result of the aforesaid discussion,

(i) The present appeal is partly allowed. No costs.

(ii) The compensation awarded by the Tribunal is enhanced to Rs.24,64,000/-.

(iii) The appellant/ claimant is directed to pay additional court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of additional court fee.

(iv) The Respondent/Corporation is directed to deposit the enhanced compensation amount of Rs.24,64,000/- (less the amount already deposited) together with interest at the rate of 7.5% per annum from the date of claim petition till



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the date of deposit to the credit of M.C.O.P.No.7538 of 2015, on the file of the Principal Special Judge, Special Court under E.C. & NDPS Act, Chennai, within a period of **four weeks** from the date of receipt of a copy of this Order/uploading of this order.

(v) The appellant/claimant is not entitled for any interest for the default period in filing the above appeal.

(vi) On such deposit being made, the appellants/claimants are at liberty to withdraw the same, as per the apportionment granted by the Tribunal after following due process of law.

18.02.2026

vsn

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To:

1. The Principal Special Judge,
Special Court under E.C. & NDPS Act,
Chennai.
2. The Section Officer,
VR Section, High Court, Madras.



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