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C.M.A.No.258 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.02.2026

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THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI,J.

C.M.A.No. 258 of 2026

1. Mari

2. Vignesh

3. Karthick

...Appellants

Vs.

The Managing Director,

Metropolitan Transport Corporation Limited,

No.2, Pallavan House,

Anna Salai, Chennai 600 002.

....Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, praying to enhance the award dated 10.07.2024 made in M.A.C.T.O.P. No.4561 of 2021 on the file of the II Court of Small Causes, Motor Accident Claims Tribunal, Chennai.

For Appellants : Mr.F. Terry Chella Raja

For Respondent : Mr. M. Murali Vinodh



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JUDGMENT

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This Appeal, under Section 173 of Motor Vehicles Act, has been filed by the appellants / claimants for enhancement of the sum awarded by the Claims Tribunal.

2. Shortly stated, on 07.10.2021, at about 04.30 p.m., when the deceased Aravindhan was riding his motorcycle bearing Registration No.TN 10 P 4078, in front of Selva Hotel near Pooja textiles, a bus bearing Registration No.TN 01 AN 1663 belonging to the respondent Corporation, driven by its driver in a rash and negligent manner, came in the same direction, hit the vehicle of the deceased from behind, due to which, the deceased sustained serious injuries and died on the way to hospital. At the time of accident, the deceased was 20 years old. Claiming the income of the deceased as Rs.30,000/- per month, a claim petition was filed by the mother and brothers of the deceased for a compensation of Rs.49,00,000/-.

3. The respondent/transport corporation alleged that the accident took place due to the rash and negligent driving of the deceased. Accordingly, the Claims Tribunal framed necessary issues and came to the conclusion that the



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accident took place due to the rash and negligent driving of the driver of the offending bus and awarded compensation of Rs.24,80,700/-. Aggrieved by the quantum of compensation awarded by the Tribunal, the appellants / claimants are on appeal.

4. Mr.F. Terry Chella Raja, the learned counsel for the appellants / claimants contended that at the time of accident, the deceased was working as a painter and was earning a sum of Rs.30,000/- per month. However, the tribunal fixed the monthly income of the deceased only at Rs.16,000/-, which is meagre. He further contended that, consortium is also payable to siblings of the deceased, which the tribunal failed to award and that only a meagre amount of Rs.1,000/- is awarded towards loss of estate. Hence, prayed to enhance the compensation awarded by the Tribunal.

5. On the other hand, the learned counsel appearing for the respondent / transport corporation would submit that the learned Tribunal, after analysing the oral and documentary evidence, has awarded just compensation, which requires any interference by this Court.



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6. Heard on both sides. Records perused.

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7. Though it is claimed by the learned counsel for the appellants that the deceased was earning not less than Rs.30,000/- per month, no documentary evidence was filed by the appellants for proof of income. In the circumstances, the Tribunal had fixed the notional monthly income of the deceased at Rs.16,000/-. However, considering the age of the deceased and the year of accident and the nature of his work, this Court deems it fit to fix the income of the deceased at Rs.19,000/- per month. Since the age of the deceased at the time of accident was 19, the proper multiplier would be 18 and future prospects should be taken at 40%. Since the deceased died as a bachelor, 50% is deducted towards his personal expenses. Hence, the loss of dependency is calculated as under:

Calculation

Notional Income = Rs.19,000/-

40% Future prospects = Rs.26,600/-

After 1/2 deduction = Rs.13,300/-

Loss of dependency

= Rs.13,300/- x 12 x 18

= Rs.28,72,800/-

Apart from the above, since the brothers of the deceased also entitled to



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consortium, a sum of Rs.44,000/- to each of them is awarded towards consortium. Hence a total sum of Rs.1,32,000/- is awarded to the claimants towards loss of consortium. The compensation awarded by the tribunal towards loss of estate at Rs.1,000/- is enhanced to Rs.16,500/-.

8. The following tabular column would show the compensation awarded by the tribunal and the compensation awarded by this Court under various heads.

S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Modification
1.	Loss of Income	24,19,200/-	28,72,800/-	enhanced
2.	Consortium	44,000/-	1,32,000/-	enhanced
3.	Funeral Expenses	16,500/-	16,500/-	confirmed
4.	Loss of Estate	1,000/-	16,500/-	enhanced
	Total	24,80,700/-	30,37,800/-	Enhanced by 5,57,100/-

9. In the result,

i. The Civil Miscellaneous Appeal is partly allowed. No costs.



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ii.The quantum of compensation awarded by the Tribunal is enhanced to

Rs.30,37,800/- from Rs.24,80,700/-.

iii.The appellants / claimants are directed to pay court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the decree only after receipt of Court fee.

iv.The respondent/Transport Corporation is directed to deposit a sum of Rs.30,37,800/- (less the amount already deposited) with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit, within a period of eight weeks from the date of receipt of a copy of this order, to the credit of M.A.C.T.O.P. No.4561 of 2021 on the file of the II Court of Small Causes, Motor Accident Claims Tribunal, Chennai.

v.On such deposit being made, the claimants are at liberty to withdraw the same with costs and interest, as per the apportionment made by the tribunal, after filing a proper petition for withdrawal. Interest for default period, if any, is waived.

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To

1. II Judge, Court of Small Causes,
Motor Accident Claims Tribunal, Chennai.
2. The Managing Director,
Metropolitan Transport Corporation Limited,
No.2, Pallavan House,
Anna Salai, Chennai 600 002.



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