



C.M.A.No.964 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2026

CORAM:

THE HON'BLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No.964 of 2024

J. Suguna

... Appellant

Versus

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

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, pleaded to enhance the award made in M.C.O.P.No.3549 of 2019, dated 02.01.2024, on the file of the Motor Accidents Claims Tribunal, IV Small Causes Court, Chennai.

For Appellant : Mr. S. Ravikumar

For Respondent : Mr. A. Vinothraj



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JUDGMENT

This Civil Miscellaneous Appeal is directed as against the award passed in M.C.O.P.No.3549 of 2019, dated 02.01.2024, on the file of the Motor Accidents Claims Tribunal, IV Small Causes Court, Chennai.

2. Briefly stated, on 14.03.2019 at about 08.50 hours when the deceased was travelling as passenger in MTC bus bearing registration no. TN 01 N 9697, near Team Park, Vandalur, GST Road, from Chengelpet to Tambaram. The bus was driven in a rash and negligent manner without following traffic rules, applied sudden brake, due to which the deceased fell out of the bus and the back wheel of the same bus ran over the deceased's hip resulting in fatal injuries leading to his death. The respondent being the owner of the bus is liable to pay the compensation to the petitioner with interest and cost. The claimant filed the above M.C.O.P claiming compensation of Rs.30,00,000/- for the deceased in the said accident.

3.The respondent/Corporation resisted the claim petition stating that the bus was driven at a moderate speed and by observing traffic rules and regulations and prayed for dismissal of the claim petition.



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4.The claims Tribunal framed necessary issues and came to a conclusion that the accident took place only due to the rash and negligent driving of the MTC bus bearing Registration No.TN 01 N 9697 belonging to the respondent/Corporation and awarded a compensation of Rs.18,21,300/- to the claimant.

5.Seeking enhancement of compensation, the present civil miscellaneous appeal is filed by the claimant.

6.The learned counsel for the appellant/claimant contended that the compensation awarded by the Tribunal does not satisfy the criteria of 'just and fair compensation' and that the Tribunal fixed Rs.11,500/- as notional income which is meager and inconsistent. He further submitted that the Tribunal failed to consider that the deceased was a first year B.C.A student and had 'the potential to earn' and that the meager compensation awarded towards loss of estate and Transport charges deserves interference and reasonable enhancement by this Court.

7.On the other hand, the learned counsel for the respondent / Corporation has submitted the Tribunal has considered the material on record had awarded 'just compensation' which requires any interference by this Court.



8. Heard both sides. Records perused.

9. On perusal of the impugned award, it is seen that the income of the deceased was fixed at Rs.11,500/-. However, 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 annual income of the deceased at Rs. 1,92,000/-. After adding 40% towards future prospects and deducting 50% towards personal expenses and using multiplier of 18, the loss of dependency is at Rs. 24,19,200/-. The amount awarded under the other heads awarded by the Tribunal are confirmed after reducing Loss of estate.

Calculation

Income – 16,000 x 12 = 1,92,000

Future Prospects – 40 % = 2,68,800

Multiplier 18 = 2,68,800 x 18 = 48,38,400

Personal expenses (50%) = 48,38,400 x 1/2

Loss of Dependency = 24, 19,200/-

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



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S.No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted
1.	Loss of Dependency	17,38,800	24,19,200	Enhanced
2.	Loss of Consortium	44,000	44,000	Confirmed
3.	Loss of estate	16,500	Nil	Set aside
4.	Funeral Expenses	16,500	16,500	Confirmed
5.	Transportation expenses	5,500	5,500	Confirmed
	TOTAL	18,21,300	24,85,200/-	Enhanced by 6,63,900/-

11. 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.24,85,200/-

(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.24,85,200/- (less the amount already deposited) 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.3549 of 2019, dated 02.01.2024, on the file of



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the Motor Accidents Claims Tribunal, IV Small Causes Court, Chennai, within a period of **four weeks** from the date of receipt of a copy of this order/uploading of this order.

(v) On such deposit being made, the appellant/ claimant is at liberty to withdraw the same, after following due process of law.

17.02.2026

vsn

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To:

1. IV Judge
Motor Accidents Claims Tribunal,
Small Causes Court, Chennai
2. The Section Officer,
VR Section, High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J.

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