



C.M.A.No.3433 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2026

CORAM

THE HONOURABLE MRS JUSTICE R. KALAIMATHI

C.M.A.No.3433 of 2025

1.Murugammal

2.Minor Harsan

Minor rep. by his next friend/mother

the first petitioner Murugammal

3.Govindammal

.. Appellants /Petitioners

Vs.

The Managing Director,

Tamil Nadu State Transport

Corporation (Salem) Ltd.,

Regional Office, Dharmapuri.

..Respondent/Respondent

**Prayer:** This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to enhance the compensation amount made in Judgment and Decree dated 07.09.2018 passed in M.C.O.P.No.64 of 2017 on the file of the Motor Accident Claims Tribunal/Sub Court, Uthangarai.

For Appellants : Mr.S.P.Yuaraj

For Respondent : Mr.D.Nitin



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## JUDGMENT

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Not being satisfied with the award dated 07.09.2018 passed in M.C.O.P.No.64 of 2017 on the file of the Motor Accident Claims Tribunal/Sub Court, Uthangarai, the legal heirs of one Gnanasekaran have preferred this Civil Miscellaneous Appeal for enhancement of compensation.

2. Parties are indicated herein as per their litigative status and ranking before the Tribunal.

3. Heard the learned counsel for the appellants/claimants and the learned counsel for the respondent/Corporation. Perused the relevant records.

4. Claim Petition was filed under Section 166 of the Motor Vehicles Act, 1988, claiming compensation of Rs.30,00,000/- for the death of Gnanasekaran, S/o Ponnusamy, who died in a road traffic accident that occurred on 12.10.2016.

5. At trial, to substantiate the claim details, on the claimants' side, two witnesses were examined and nineteen documents were marked. On the side of the second respondent / Insurance Company, one witness was examined.



6. Upon consideration of oral and documentary evidence and after hearing the arguments advanced by either side, the Tribunal has granted compensation of Rs.11,90,160/- with interest at the rate of 7.5% per annum from the date of claim petition. The amounts granted under different heads are given hereunder:-

Towards loss of earnings – Rs.8,60,160/-: towards transportation charges – Rs.5,000/-: towards loss of consortium – Rs.1,50,000/-: and towards funeral expenses – Rs.25,000/- and towards loss of love and affection – Rs.1,50,000/- in toto a sum of Rs.11,90,160/- was awarded.

7. The learned counsel for the appellants/claimants would vehemently argue that the deceased, who was aged about 35 years at the relevant point of time, was working as Driver and earning a sum of Rs.30,000/- per month. But, the Tribunal fixed the notional monthly income at Rs.8,000/-, which is less, and sought for enhancement of compensation.

8. Per contra, the learned counsel for the respondent/Transport Corporation would strenuously contend that, in the given circumstances, the notional income fixed at Rs.8,000/- is quite reasonable and the amounts awarded by the Tribunal under various heads are reasonable and, therefore, it does not warrant any interference by this Court.



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9. The manner in which the accident took place is not in dispute. It has come on record through the evidence of P.W.1 that the deceased was working as Driver and earning a sum of Rs.30,000/- per month. It is stated that to prove the income of the deceased, Ex.P8-RC Book of the car in the name of the deceased and Ex.19-Service Bills of the above said car have been marked. These documents are not sufficient to prove the monthly earnings of the deceased.

10. That apart, the date of accident is 12.10.2016.

11. Under the given circumstances, this Court deems fit to fix the monthly income of the deceased at Rs.13,000/-. As regards the age of the deceased as per Ex.P2-copy of the Postmortem Certificate, the age of the deceased is taken as 35 years at the relevant of time.

12. As held in National Insurance Co. Ltd. v. Pranay Sethi and Others, 2017 (2) TN MAC 609 (SC), the Hon'ble Supreme Court has standardized the details of future prospects. For the persons who are below 40 years of age, 40% of the income is to be added towards future prospects while computing the loss of dependency. As per the law laid down by the Hon'ble Supreme Court in Sarla Verma and Others v. Delhi Transport Corporation and Another,



2009 (2) TN MAC 1 (SC), as the claimants are wife, minor son and mother of the deceased, 1/3 has to be deducted towards personal and living expenses, and the relevant multiplier to be selected is 16m. Based on the aforesaid details, for computing loss of dependency, the following formula emerges:

$$\text{Rs.13,000/-} + 40\% - 1/3 \times 12 \times 16m = \text{Rs.23,29,536/-}$$

13. As per the law laid down by the Hon'ble Supreme Court in National Insurance Co. Ltd. v. Pranay Sethi and Others, 2017 (2) TN MAC 609 (SC), for loss of consortium, each legal heir is entitled to the amount of Rs.40,000/-. But the Tribunal has granted a sum of Rs.3,00,000/- for loss of consortium and for loss of love and affection. As the claimants are in three in number (wife, minor son and mother of the deceased), towards loss of consortium, a sum of Rs.1,20,000/- is granted. For loss of estate, a sum of Rs.15,000/- is granted. As regards the other heads, the amounts awarded by the Tribunal appear to be reasonable and acceptable and it does not warrant any interference by this Court. The compensation awarded as mentioned supra is reworked and tabulated as given hereunder:

| Sl. No. | Description        | Amount awarded by Tribunal | Amount awarded by this Court | Award confirmed or enhanced or granted or reduced |
|---------|--------------------|----------------------------|------------------------------|---------------------------------------------------|
| 1       | Loss of dependency | Rs.8,60,160/-              | Rs.23,29,536/-               | Enhanced                                          |
| 2       | Transportation     | Rs. 5,000/-                | Rs. 5,000/-                  | Confirmed                                         |



| Sl. No. | Description                             | Amount awarded by Tribunal | Amount awarded by this Court | Award confirmed or enhanced or granted or reduced |
|---------|-----------------------------------------|----------------------------|------------------------------|---------------------------------------------------|
| 3       | Loss of Consortium & love and affection | Rs.3,00,000/-              | Rs. 1,20,000/-               | Reduced                                           |
| 4       | Funeral Expenses                        | Rs. 25,000/-               | Rs. 25,000/-                 | Confirmed                                         |
| 5       | Loss of Estate                          | ---                        | Rs. 15,000/-                 | Granded                                           |
|         | Total                                   | Rs.11,90,160/-             | Rs.24,94,536/-               | Enhanced                                          |
|         | Rounded off to                          |                            | Rs.24,95,000/-               |                                                   |

14. Thus, the compensation awarded by the Tribunal is enhanced from Rs.11,90,160/- to Rs.24,95,000/- which would carry interest at the rate of 7.5% per annum from the date of petition till the date of realisation.

15. In the result,

(i) The Civil Miscellaneous Appeal stands partly allowed. There is no order as to costs.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.11,90,160/- to Rs.24,95,000/-.

(iii) The Transport Corporation/respondent is directed to deposit the enhanced compensation amount now determined by this Court i.e.,



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Rs.24,95,000/- (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 and costs to the credit of M.C.O.P.No.64 of 2017 on the file of the Motor Accident Claims Tribunal, Sub Court for Motor Accident Claims Cases, Uthangarai within a period of six weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the first claimant/wife is entitled to receive a sum of Rs.12,45,000/-; the second claimant/minor son is entitled to receive Rs.11,00,000/- ; and the third claimant/mother is entitled to receive a sum of Rs.1,50,000/- and the claimants are permitted to withdraw their share along with the interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary application before the Tribunal. The share of the minor shall be deposited in any one of the nationalized bank till he attains majority and the 1<sup>st</sup> claimant, Murugammal, mother of the minor is permitted to withdraw the interest accrued once in three months.

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

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



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Consequently, connected Civil Miscellaneous Petition, if any stands closed.

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Index : Yes/No  
Internet : Yes/No  
Speaking Order/Non-Speaking Order  
Neutral Citation Case : Yes/No

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**Copy to**

1.The Motor Accident Claims Tribunal,  
Sub Court for Motor Accident Claims Cases, Uthangarai.

2. The Section Officer,  
VR Section,  
High Court, Madras.

R. KALAIMATHI, J.



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