WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-11-2026

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMA No. 3683 of 2026
and C.M.P.No.30077 of 2026

CNR: {HCMA011552632026}

The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
Having its office at
No.12, Ramakrishna Road,
Salem Regional office,
at Bharathipuram,
Dharmapuri.

Case QR

..Appellant(s)

Vs

Manu

..Respondent(s)

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree passed in M.C.O.P.No.178/2021 dated 07.11.2025 by the Motor Accidents Claims Tribunal, Additional District Court, Hosur.

For Appellant(s): Mr.D.Nitin

For Respondent(s): Mr.M.Sivakumar

https://www.mhc.tn.gov.in/judis

WEB COPY

JUDGMENT

This Civil Miscellaneous Appeal has been filed challenging the quantum of compensation awarded by the Motor Accidents Claims Tribunal, Additional District Court, Hosur, in M.C.O.P.No.178 of 2021, vide award dated 07.11.2025.

2. The claim petition has been filed by the claimant/respondent herein under Section 166 of the Motor Vehicles Act for the death of her brother, namely, Agilan. According to the claimant/respondent, on 24.01.2020, the deceased Agilan was proceeding with his adopted mother Manjula as a pillion rider in a Honda Activa motorcycle bearing Reg.No.KA 51 HJ 7703 on Krishnagiri to Hosur NH Road, near Perumal Manimegalai College, a bus bearing Reg.No.TN 29 N 2769 belonging to the appellant Transport Corporation came in the same direction from Krishnagiri towards Hosur on the backside of the deceased's vehicle and was driven by its driver in a rash and negligent manner and hit against the deceased's motorcycle, due to which, the deceased Agilan and his adopted mother sustained grievous injuries on head and injuries to other vital organs and both died on the spot. A criminal case was also registered in Crime No.39 of 2020 for the offence under Sections 279 and 304(A) IPC.

https://www.mhc.tn.gov.in/judis

WEB COPY

3. Another claim petition was also filed by the same claimant/respondent herein in M.C.O.P.No.179 of 2021 seeking compensation for the death of her mother, namely, Manjula, who died in the road accident on 24.01.2020.

4. The Tribunal conducted joint trial and passed a common award.

5. In both the claim petitions, on behalf of the claimant, the claimant herself was examined as P.W.1, one Sasikumar was examined as P.W.2 and one Venkataraj was examined as P.W.3 and Ex.P1 to Ex.P9 were marked and on the side of the appellant Transport Corporation, R.W.1 was examined and no document was marked.

6. On appreciation of evidence adduced on either side, the Tribunal found that the accident occurred due to rash and negligent driving of the driver of the appellant Transport Corporation and with regard to the quantum of compensation, considering the fact that the deceased Agilan was aged about 6 years at the time of accident and that he was studying II Standard in a private school at Uskoor which could be seen from the evidence of P.W.1, the Tribunal has fixed a sum of Rs.10,000/- as monthly income of the deceased and added 50% towards future prospects and adopted the multiplier "18" as per the judgment of the Hon'ble Supreme Court of India in the case of ***Sarla Varma and others vs. Delhi Transport Corporation and another*** reported in ***(2009) 6***

https://www.mhc.tn.gov.in/judis

WEB COPY

SCC 121 and thereby, a sum of Rs.32,40,000/- was awarded under the head of loss of income and also the following compensation was awarded under various heads:-

Sl.No.	Heads	Amount
1.	Loss of income	Rs.32,40,000/-
2.	Siblings Consortium	Rs.40,000/-
3.	Loss of Estate	Rs.15,000/-
4.	Funeral Expenses	Rs.15,000/-
5.	Pain and suffering and trauma	Rs.30,000/-
6.	Transport expenses	Rs.10,000/-
	Total	Rs.33,50,000/-

7. Aggrieved over the quantum of compensation awarded by the Tribunal, the appellant/Transport Corporation has preferred this Civil Miscellaneous Appeal.

8. The learned counsel appearing for the appellant/Transport Corporation would submit that the Tribunal ought to have fixed a sum of Rs.30,000/- as annual income as per the judgment of the Hon'ble Supreme Court of India in the case of ***Kishan Gopal and another vs. Lala and others*** reported in ***(2014) 1 SCC 244*** or ought to have fixed a sum of Rs.60,000/- as annual income as per the judgment of this Court in the case of ***Sheelarani and another vs. Sasireka and another*** in ***C.M.A.No.1767 of 2022***, however, the Tribunal has erroneously

https://www.mhc.tn.gov.in/judis

WEB COPY

fixed the monthly income of the deceased as Rs.10,000/-, since the deceased was aged about 6 years at the time of accident and was a minor and the compensation awarded under the other heads also appears to be on the higher side and the same has to be reduced.

9. Per contra, the learned counsel appearing for the respondent/claimant would submit that considering the fact that the deceased was a minor, the Tribunal has rightly fixed the monthly income of the deceased as Rs.10,000/- and the compensation awarded under the other heads is also just and reasonable and does not require any interference by this Court.

10. This Court considered the submissions made on either side and perused the materials available on record.

11. There is no dispute with regard to the manner of accident and negligence fixed on the part of the driver of the appellant Transport Corporation. The grievance of the appellant Transport Corporation is with regard to fixation of monthly income of the deceased. It is relevant to note that the deceased Agilan was aged about 6 years at the time of accident and he was studying II Standard in a private school. Admittedly, the deceased is an non-earning member, however, the Tribunal has fixed a sum of Rs.10,000/- as monthly income of the deceased which appears to be on the higher side and the

https://www.mhc.tn.gov.in/judis

WEB COPY

multiplier "18" adopted by the Tribunal is also not proper. In the instant case, the accident took place on 24.01.2020. The Hon'ble Supreme Court of India in the case of ***Kishan Gopal and another vs. Lala and others*** reported in ***(2014) 1 SCC 244,*** held that the notional income for the death of a ten-year old child was fixed at Rs.30,000/- per annum for the road accident of the year 1992 and as per the judgment of this Court in the case of ***Sheelarani and another vs. Sasirekha and another*** in ***C.M.A.No.1767 of 2022 dated 06.12.2024***, this Court has adopted Rs.60,000/- per annum as the notional income considering the fact that the accident took place in the year 2017 and the cost of living at the time of accident and adopted the multiplier "15" for non-earning member. By following the judgment of this Court in ***Sheelarani's*** case as cited supra, this Court is inclined to fix a sum of Rs.60,000/- per annum as the notional income of the deceased and adopt the multiplier "15", without deducting the personal and living expenses of the deceased and without adding the future prospects and accordingly, a sum of Rs.9,00,000/- (Rs.60,000/- * 15) is awarded under the head of loss of income and the compensation awarded by the Tribunal under the other heads, namely, siblings consortium, loss of estate, funeral expenses, pain and suffering and trauma and transport expenses, is just and proper and does not require any interference by this Court. Accordingly, the compensation awarded by the Tribunal is modified as hereunder:-

https://www.mhc.tn.gov.in/judis

WEB COPY

S.No	*Head of Compensation*	*Amount awarded by the Tribunal (Rs)*	*Amount awarded by this Court (Rs)*
1.	Loss of income	Rs.32,40,000/-	**Rs.9,00,000/-**
2.	Siblings Consortium	Rs.40,000/-	Rs.40,000/-
3.	Loss of estate	Rs.15,000/-	Rs.15,000/-
4.	Funeral expenses	Rs.15,000/-	Rs.15,000/-
5.	Pain and suffering and trauma	Rs.30,000/-	Rs.30,000/-
6.	Transport expenses	Rs.10,000/-	Rs.10,000/-
	Total	Rs.33,50,000/-	**Rs.10,10,000/-**

12. In the result, this Civil Miscellaneous Appeal is allowed in part and the compensation awarded by the Tribunal at Rs.33,50,000/- is hereby reduced to **Rs.10,10,000/-** together with interest @ 7.5% per annum from the date of filing of claim petition till the date of deposit. The appellant/Transport Corporation is directed to deposit the entire award amount now determined by this Court along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P.No.178 of 2021 on the file of the Motor Accident Claims Tribunal, Additional District Court, Hosur. On such deposit, the respondent/claimant is permitted to withdraw the award amount now determined by this Court, along with interest and costs, less the amount, if any, already withdrawn, by making proper application before the Tribunal. The other

https://www.mhc.tn.gov.in/judis

WEB COPY

directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. The manner and mode of disbursement of compensation shall be as per the order of the Tribunal. There shall be no order as to costs. Connected miscellaneous petition is closed.

11-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
ssb

To

1.The Motor Accident Claims Tribunal,
Additional District Court, Hosur.

2.The Section Officer,
V.R. Section,
High Court,
Chennai.

https://www.mhc.tn.gov.in/judis

WEB COPY

M.JOTHIRAMAN, J.

ssb

CMA No. 3683 of 2026

11-11-2026

https://www.mhc.tn.gov.in/judis