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CMA. No.2670 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM

DATED: 12.02.2026

THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

CMA. No.2670 of 2023

1. R. Muralidharan
2. M. Akash
3. M. Lokesh (minor)
4. M. Jagatheesh (minor)

(Appellants 3 & 4 are *Suo motu* declared as major and their father, Mr. R. Muralidharan is discharged from guardianship of the appellants 3 & 4, vide order of this Court dated 12.02.2026 made in CMA.2670/2023)

...Appellants

Vs.

The Managing Director,
Metropolitan Transport Corporation Ltd.,
(Villupuram – Division – III) Limited,
Kancheepuram District.

...Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgement and Decree dated 15.02.2023 made in M.A.C.T.O.P. No.3065 of 2016, on the file of the II Small Causes Court, (Motor Accident Claims Tribunal), Chennai.

For Appellants : Mr. N.M. Muthurajan

For Respondent : Mr. A. Vinothraj



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JUDGMENT

This Civil Miscellaneous Appeal has been filed seeking enhancement of the compensation awarded by the II Small Causes Court, (Motor Accident Claims Tribunal), Chennai, in M.C.O.P.No.3065 of 2016 dated 15.02.2023.

2. The case of the appellants/claimants is that on 06.08.2015 at about 01.20 P.M., the deceased was travelling as a pillion rider in a motorcycle bearing Registration No.TN-21-AW-5758 from Tambaram to Perungalathur GST Road. While the motorcycle was proceeding from north to south, observing traffic rules, a TNSTC bus bearing Registration No.TN-21-N-0893 was driven in a rash and negligent manner and dashed against the motorcycle. Due to the impact, the rider of the motorcycle sustained injuries and the deceased/pillion rider sustained grievous injuries. Despite treatment, he succumbed to the injuries. The appellants/claimants, being the legal heirs and dependants of the deceased, filed a claim petition claiming a sum of Rs.24,00,000/- as compensation.



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3. The Tribunal, upon considering the oral and documentary evidence, had come to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the offending vehicle and awarded a total sum of Rs.14,18,600/- as compensation under various heads. Not being satisfied with the quantum, the appellants/claimants have preferred the present appeal for enhancement of compensation.

4. Heard the learned counsel appearing on either side and perused the materials available on record. The finding with regard to negligence is not disputed before this Court. Therefore, this Court confines itself to the issue of quantum of compensation, particularly under the head “Loss of Dependency”.

5. The Tribunal fixed the monthly income of the deceased at Rs.8,400/-. Considering the year of accident, the age, avocation and the number of dependants, this Court deems it appropriate to fix the notional income at Rs.10,000/- per month. Adding 40% towards future prospects, the monthly income comes to Rs.14,000/- (Rs.10,000 + 40%). Applying multiplier “16” and deducting 1/4th towards personal expenses, the loss of dependency is recalculated as $\text{Rs.14,000} \times 12 \times 16 \times \frac{3}{4} = \text{Rs.20,16,000/-}$. Accordingly, the



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compensation under the head “Loss of Dependency” is enhanced from Rs.12,09,600/- to Rs.20,16,000/-. Thus, the compensation awarded by the

Tribunal is modified as follows:

S. No	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted
1.	Loss of Dependency	Rs.12,09,600/-	Rs.20,16,000/-	Enhanced
2.	Loss of Consortium	Rs.1,76,000/-	Rs.1,76,000/-	Confirmed
3.	Loss of Estate	Rs.16,500/-	Rs.16,500/-	Confirmed
4.	Funeral Expenses	Rs.16,500/-	Rs.16,500/-	Confirmed
	Total	Rs.14,18,600/-	Rs.22,25,000/-	Enhanced amount Rs.8,06,400/-

6. At the time of filing of the claim petition in the year 2016, the third appellant was aged about 13 years and the fourth appellant was aged about 11 years. By efflux of time, they have now attained majority. Though no formal application has been filed, taking note of the age mentioned in the claim petition and the lapse of time, this Court *Suo motu* declares the third and the fourth appellants as major and discharges their guardian Mr. R. Muralidharan from guardianship. The Registry is directed to carry out the necessary amendments.



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7. In the result, this Civil Miscellaneous Appeal is partly allowed.

(i) The compensation is enhanced to **Rs.22,25,000/-** from **Rs.14,18,600/-**.

(ii) The respondent/Transport Corporation is directed to deposit the enhanced award amount along with interest at the rate of 7.5% from the date of petition till the date of deposit, less the amount already deposited, if any, within a period of eight weeks from the date of receipt of a copy of this judgement.

(iii) Out of the enhanced compensation, the first appellant is entitled to **Rs.10,25,000/-** and the appellants 2 to 4 are entitled to **Rs.4,00,000/- each**.

(iv) On such deposit, the Tribunal shall transfer the respective share amount to the bank accounts of the appellants through RTGS within a period of two (2) weeks thereafter, subject to payment of Court fee on the enhanced compensation by the appellants.

(v) There shall be no order as to costs.

12.02.2026

Speaking/Non-speaking order
Neutral Case Citation : Yes/No
klt

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To

1. The Motor Accident Claim Tribunal,
(In the II Court of Small Causes), Chennai.

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



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K.GOVINDARAJAN THILAKAVADI, J.

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