



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.01.2026

CORAM

THE HONOURABLE MRS. JUSTICE R. KALAIMATHI

C.M.A.Nos.3239 and 3243 of 2025

and

C.M.P.No.26978 of 2025

In C.M.A.No.3239 of 2025

The Managing Director,
Tamil Nadu Transport Corporation (Coimbatore) Limited,
No.37, Mettupalayam Road,
Coimbatore,
Having Branch at,
Coimbatore Road,
Sathyamangalam.

...Appellant

vs.

1.Minor. Sajith

2.Minor.Samitha

Minors represented by next friend / Guardian Grand Mother Murugammal

3.Murugammal

4.Raju

5.Ranjith (Driver)

...Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Award dated 31.01.2023 made in M.C.O.P.No.3 of 2022 on the file of the Motor Accident Claims Tribunal/Subordinate Judge, Sathyamangalam.



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For Appellant : Mr.Murali Vinodh
For R1 to R4 : Ms.P.T.Saleem Fathima

In C.M.A.No.3243 of 2024

1.Minor. Sajith

2.Minor.Samitha

Minors represented by next friend Guardian Grand Mother Murugammal

3.Murugammal

4.Raju

... Appellants

vs.

1.Ranjith (Driver)

2.The Managing Director,

Tamil Nadu Transport Corporation Coimbatore Limited,

No.37, Mettupalayam Road,

Coimbatore,

Having Branch at,

Coimbatore Road,

Sathyamangalam.

...Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Award of the Motor Accidents Claims Tribunal, Subordinate Judge, Sathyamangalam and made in M.C.O.P.No.3 of 2022 by order dated 31.01.2023 praying to enhance the award.

For appellants : Ms.P.T.Saleem Fathima
For R2 : Mr.Murali Vinodh

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COMMON JUDGMENT

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C.M.A.No.3239 of 2025 has been preferred by the Tamil Nadu Transport Corporation against the Award dated 31.01.2023 passed in M.C.O.P.No.3 of 2022 on the file of the Motor Accidents Claims Tribunal / Subordinate Judge, Sathyamangalam for a change in the quantum of compensation.

2. C.M.A.No.3243 of 2025 has been filed against the Award dated 31.01.2023 passed in M.C.O.P.No.3 of 2022 on the file of the Motor Accidents Claims Tribunal / Subordinate Judge, Sathyamangalam for enhancement of compensation.

3. The parties are indicated herein as per their litigative status and ranking before the Tribunal.

4. The claim petitioners/appellants in C.M.A.No.3243 of 2025 filed petition under Section 166 of Motor Vehicles Act, 1988, claiming compensation of Rs.40,00,000/- towards death of one Senthilkumar in a road traffic accident that occurred on 02.11.2021.



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5. The Tribunal, upon consideration of the oral and documentary evidence and after hearing the arguments advanced by either side, granted compensation of Rs.34,03,000/- with interest at the rate of 7.5% p.a. from the date of claim petition and the amounts granted under different heads are given hereunder:

S.No	Description	Amount
1	For loss of dependency	Rs.32,13,000/-
2	For loss of estate	Rs. 15,000/-
3	For funeral expenses	Rs.15,000/-
4.	For loss of consortium(Rs.40,000/- each)	Rs.1,60,000/-
Total		Rs.34,03,000/-

6. Learned counsel for the appellant/Tamil Nadu State Transport Corporation in C.M.A.No.3239 of 2025 would submit that taking into consideration the age of the deceased, number of the claimants, age of the minors, the Tribunal granted compensation under different heads, which are unreasonable and sought confirm as mentioned supra.

7. The learned counsel for the appellants in C.M.A.No.3243 of 2025 would vehemently contend that the deceased Senthilkumar was working as load man as well as a acting driver and the tribunal fixed the monthly



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income as Rs.17,000/- per month is inadequate. Though no concrete proof is marked to substantiate the income of the deceased, this Court deems fit to fix the monthly income of the deceased as Rs.19,000/- per month. At the relevant point of time, as per Ex.P2/Postmortem, the age of the deceased is taken as 37 years. As per law laid down by the Hon'ble Supreme Court in *National Insurance Co. Ltd., v. Pranay Sethi and others* reported in 2017 (2) TN MAC 609 (SC), the Hon'ble Supreme Court has standardized the details of future prospects to be added with income while computing loss of dependency. For the age group of persons below 40 years, 40% is to be added as future prospects, while computing the loss of dependency.

8. In C.M.A.No.3243 of 2025, the claimants are four in number, namely, son, daughter, mother and father of the deceased. The deceased's wife already died. As held in *Sarala Varma -vs- Delhi Transport Corporation and another*, reported in 2009(2) TNMAC 1 (SC), for personal and living expenses, $\frac{1}{4}$ is to be deducted and the relevant multiplier to be adopted is 15 m. For computing loss of dependency, the following formula emerges:

$$\text{Rs.19,000/-} + 40\% - \frac{1}{4} \times 12 \times 15 = \text{Rs.35,91,000/-}$$

As regards other heads, the amount granted by the Tribunal appears to be reasonable and acceptable and it does not warrant any interference by
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this Court. The amounts, as mentioned supra, after rework is tabulated hereunder:

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S. No	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	For loss of dependency	Rs.32,13,000/-	Rs.35,91,000/-	Enhanced
2	For loss of estate	Rs. 15,000/-	Rs.15,000/-	confirmed
3	For funeral expenses	Rs.15,000/-	Rs.15,000/-	confirmed
4	For loss of consortium(Rs.40,000/-each)	Rs.1,60,000/-	Rs.1,60,000/-	Confirmed
5	Total	Rs.34,03,000/-	Rs.37,81,000/-	Enhanced

9. In the result,

(i) C.M.A.No.3243 of 2025 stands partly allowed and C.M.A.No.3239 of 2025 stands dismissed. No costs. Consequently connected miscellaneous petition is closed.

(ii) The compensation awarded by the Tribunal is enhanced from Rs.34,03,000/- to Rs.37,81,000/-.

(iii) The appellant in C.M.A.No.3239 of 2022/Tamil Nadu State Transport Corporation is directed to deposit the enhanced compensation amount i.e., Rs.37,81,000/- (less the amount already deposited, if any)

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along with interest at 7.5% p.a. from the date of accident till the date of realisation to the credit of M.C.O.P.No.3 of 2022 on the file of the Motor Accident Claims Tribunal/Subordinate Judge, Sathyamangalam within a period of eight (8) weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the appellants 3 and 4 in C.M.A.No.3243 of 2022 are permitted to withdraw their share of the award amount, as per the apportionment fixed by the Tribunal, with interest, after adjusting the amount, if any, already withdrawn, by filing necessary application before the Tribunal.

(v) The share of the appellants 1 and 2/Minors in C.M.A.No.3243 of 2022 shall be deposited in any one of the nationalized bank in an interest bearing Fixed Deposit, initially for a period of three years, renewable thereafter, till the minor attains majority and the third appellant in C.M.A.No.3243 of 2022, who is the grand mother of the minors, is permitted to withdraw interest once in three months from the said amount and utilise the same for the welfare of the minor claimants 1 and 2 in C.M.A.No.3243 of 2025.

(vi) The claimants in C.M.A.No.3243 of 2022 are directed to pay the



Court fee for the enhanced compensation amount, if required.

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

09.01.2026

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

To

- 1.The Motor Accident Claims Tribunal/Subordinate Court,
Sathyamangalam.
- 2.The Section Officer,
- 3.VR Section,
- 4.High Court, Madras



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R.KALAIMATHI, J.

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