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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-11-2026

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CMA. No. 3395 of 2026

CNR:{HCMA011935452026}

AND

CMA.NO. 3827 OF 2026, CMP NO. 31015 OF 2026

Case QR

C.M.A.No.3395 of 2026

1. Ratnavva Vibhuti
2. Durgappa Vibuti
3. Ramesh Vibhuti
4. Durgamma Vibhuti
5. Doddesh Vibhuti
6. Manjula Vibhuti
7. Salamma Vibhuti (Minor)
   (Minor Petitioner is rep. by her
   Next Friend and Natural Guardian
   her mother Ratnavva Vibhuti) .. Appellants

Vs.

The Managing Director,
TNSTC, Kumbakonam Ltd.,
Also at TNSTC,
Koyembedu Terminal,
Chennai 107. ..Respondent(s)

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow the above Civil Miscellaneous Appeal and enhance the award amount in Judgement and Decree dated 09.10.2025 made in MCOP.No.3047 of 2024 on the file of Motor Accident Claims Tribunal/Chief Court of Small Causes, Chennai.

For Appellants : Mr.Amar Dineshbhai Pandiya
for Ms.P.Rajathi

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For Respondent : Mr.M.Murali Vinoth

CMA No. 3827 of 2026

Case QR

CNR:{HCMA011125642026}

The Managing Director
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Also at TNSTC, Koyembedu Terminal
Chennai 107. ..Appellant(s)

Vs.

1. Ratnavva Vibhuti
2. Durgappa
3. Ramesh Vibhuti
4. Durgamma Vibhuti
5. Doddesh Vibhuti
6. Manjula Vibhuti
7. Salamma Vibhuti (Minor)
   (Minor Petitioner is rep by her
   Next Friend and Natural Guardian
   her mother Ratnavva Vibhuti) ..Respondent(s)

Prayer : Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Award dated 09.10.2025 made in MCOP No.3047 of 2024 on the file of the Motor Accident Claims Tribunal/Chief Judge, Small Causes Court, Chennai.

For Appellant(s) : Mr.M.Murali Vinoth

For Respondents : Mr.Amar Dineshbhai Pandiya
for Ms.P.Rajathi

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COMMON JUDGMENT

C.M.A.No.3395 of 2026 has been preferred by the unsuccessful claimants seeking enhancement of compensation. C.M.A.No.3827 of 2026 has been preferred by the Transport Corporation challenging the quantum of compensation arrived by the Tribunal.

2. The claim petition has been filed under Section 166 of the M.V.Act and Rule 3 of Motor Accident Claims Tribunal Rules by the dependents of the deceased Husenappa Vibhuti. The first claimant is the mother, claimants 2, 3 and 5 are the brothers, claimants 4, 6 are the sister-in-laws and the 7th claimant is the sister of the deceased Husenappa Vibhuti.

3. According to the claimants, on 15.09.2023 at about 3.40 p.m. while the deceased was riding a motorcycle bearing Registration No.TN 61 S 9641 near V.Kaikatti Over Bridge, on the Jayankondam to Trichy Main Road, at that time a TNSTC bus bearing Registration No.TN 45 N 3969 came from the opposite direction and dashed against the motorcycle. The bus was allegedly driven in a rash and negligent manner. Due to the impact, the deceased sustained multiple grievous injuries and subsequently succumbed to the injuries.

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4. It is the further claim of the claimants that the deceased was aged about 22 years at the time of accident and was engaged in selling bike seat cover, earning a sum of Rs.1,000/- per day.

5. The respondent therein/Transport Corporation has filed a counter statement denying the manner of accident as alleged by the claimants. According to the respondent, the deceased suddenly took a "U" turn while riding the motorcycle and in a rash and negligent manner, dashed against the front portion of the respondent's bus, which was stopped on the left side of the road. It was further contended that the rider of the motorcycle did not possess a valid effective driving licence at the time of accident. The respondent therefore contended that the accident occurred solely due to the rash and negligent riding of the deceased and that it was not liable to pay any compensation to the claimants.

6. Before the Tribunal, the 5th claimant was examined as P.W.1 and one eye-witness was examined as P.W.2 and Exs.P1 to P34 were marked. On the side of the respondent, neither any witness was examined and nor any document was marked.

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7. Upon appreciation of the evidence adduced on either side and the Tribunal found that the accident had occurred due to the rash and negligent driving of the driver of the TNSTC bus. With regard to the quantum of compensation, the Tribunal fixed the monthly income of the deceased at Rs.17,500/- Considering his age as 22 years, 40% was added towards future prospects. Since the deceased was a bachelor, 50% was deducted towards his personal and living expenses of the deceased and the multiplier of 18 was applied while calculating the compensation under the head of loss of dependency. The Tribunal also awarded compensation under various other heads, as detailed below:-

S.No.	Heads of Compensation	Amount awarded by the Tribunal
1	Loss of dependency (Rs.17,500/- + 40% - 1/2 x 12 x 18)	Rs 26,46,000/-
2	Loss of estate	Rs. 16,500/-
3	Loss of consortium (Rs.44,000/- each x 4)	Rs. 2,20,000/-
4	Funeral expenses	Rs. 16,500/-
5	Transportation charges including damages to personal belongings	Rs. 10,000/-
	Total	Rs.29,09,000/-

8. Aggrieved over the same, the claimants have preferred CMA.No.3395 of 2026 seeking enhancement of compensation.

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9. Challenging the quantum of compensation awarded by the Tribunal, the Transport Corporation has preferred CMA.No.3827 of 2026 seeking reduction of the compensation.

10. The learned counsel appearing for the appellants in CMA.No.3395 of 2026 would submit that the Tribunal erred in fixing the notional income of the deceased at Rs.17,500/- without taking into consideration the fact that he was engaged in selling bike seat covers and was earning a sum of Rs.1,000/- per day. It is further contended that the accident occurred in the year 2023 and that the amount awarded under the head of loss of dependency is inadequate. Therefore, the learned counsel seeks enhancement of the notional monthly income of the deceased and consequently, enhancement of the compensation awarded under the head of loss of dependency.

11. Per contra, the learned counsel appearing for the appellant/Transport Corporation in CMA.No.3827 of 2026 would submit that, in the absence of proof of monthly income of the deceased, the Tribunal ought not to have fixed a sum of Rs,17,500/-. It is therefore contended that the income fixed by the Tribunal is on the higher side and requires reduction.

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12. This Court has considered the submissions made by the learned counsel appearing on either side and perused the materials available on record.

13. There is no dispute with regard to the manner in which the accident occurred or the negligence attributed to the driver of the respondent bus. The only grievance of the appellants in CMA.No.3395 of 2026 is that the notional monthly income fixed by the Tribunal at Rs.17,500/- requires enhancement. On the other hand, the grievance of the appellant/Transport Corporation in CMA.No.3827 of 2026 is that the notional monthly income fixed by the Tribunal is on the higher side and requires reduction.

14. It is seen from the records that the age of the deceased at the time of accident was 22 years at the time of accident. According to the claim petition, he was engaged in selling bike seat covers and was earning Rs.1,000/- per day. However, to substantiate the said claim, the claimants have neither produced any documentary evidence nor examined any independent witness. In the absence of proof of his actual monthly income, the Tribunal fixed the notional monthly income of the deceased at Rs.17,500/- for the purpose of determining just and reasonable compensation.

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15. A careful perusal of Ex.P6 – copy of Legal Heirship Certificate reveals that the first claimant is the mother, claimants 2, 3, 5 are the bothers and the 7th claimant is the sister of the deceased who was a minor at the time of accident. Further, the said certificate reveals that the claimants 4 and 6 are sister-in-laws. The said certificate has not been disputed by the respondents. Therefore, it is found that the claimants 1 to 3, 5 and 7 are the legal heirs of the deceased and are entitled to receive compensation from the respondent.

16. It is not in dispute that as per Ex.P13- Aadhaar Card, the date of birth of the deceased was mentioned as 01.06.2001. The date of the accident was 15.09.2023. Therefore, the age of the deceased at the time of accident was 22 years. Taking into consideration the age of the deceased, the dependency of his parents and minor sister and the cost of living prevailing at the relevant point of time, this Court is of the view that the notional monthly income fixed by the Tribunal at Rs.17,500/- is on the lower side. Accordingly, this Court is inclined to refix the notional monthly income of the deceased at Rs.19,000/- which would be just and reasonable.

17. By applying the ratio laid down by the Hon'ble Supreme Court in ***National Insurance Company Limited v. Pranay Sethi and Others [2017 (2) TNMAC 609 (SC)],*** 40% of the income is added towards future prospects.

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Since, the deceased was unmarried and therefore, 50% of the income is deducted towards personal and living expenses of the deceased. Considering the age of the deceased, the multiplier of "18" is applied. Accordingly, the compensation awarded under the head of loss of dependency is modified.

18. The Tribunal awarded a sum of Rs.2,20,000/- (Rs.44,000/- each x 5) to the appellants/claimants 1 to 3, 5 & 7 towards loss of love and affection/consortium in terms of the decision of the Hon'ble Supreme Court in ***Magma General Insurance Company Ltd. Vs. Nanuram @ Chuhru Ram and Others, (2018) 18 SCC 130 : 2018 OnLine SC 1546.*** The said award is hereby confirmed. The compensation awarded by the Tribunal under the other heads is also confirmed.

19. In view of the above discussion, the compensation awarded by the Tribunal is modified as follows:-

S.No.	Heads of Compensation		Amount awarded by this Court
1	<u>Loss of dependency</u> :-		
	i) monthly income :	Rs.19,000/-	
	ii) **<u>Add</u>**		
	Future prospects at 40% :	Rs. 7,600/-	

		Rs.26,600/-	
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	ii)Annual income (Rs.26,600/- x 12) : Rs.3,19,200/- iii) **Less** : Personal expenses of the deceased at 50% (Rs.3,19,200 -50%) Rs. 1,59,600/- ---------- Rs. 1,59,600/- v) Multiplier (18) (Rs,1,17,600 x 18) : Rs.28,72,800/-	Rs.28,72,800/-
2	Loss of estate	Rs. 16,500/-
3	Loss of Consortium(Rs.44,000/- each x 5)	Rs. 2,20,000/-
4	Funeral Expenses	Rs. 16,500/-
5	Transportation charges including damages to personal belongings	Rs. 10,000/-
	Total	Rs.31,35,800/- rounded off to Rs.31,36,000/-

20. In the result,

i) C.M.A.No.3395 of 2026 is partly allowed. C.M.A.No.3827 of 2026 is dismissed.

ii) The compensation amount awarded by the Tribunal by enhancing from Rs.29,09,000/ to Rs.31,36,000/- together with interest @ 7.5% per annum from the date of filing of claim petition till the date of deposit **(except the period of default, if any).**

iii) The respondent/ Transport Corporation is directed to deposit the entire award amount now determined by this Court, **(less the amount already deposited if**

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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.3047 of 2024 on the file of the Motor Accident Claims Tribunal/ Chief Court of Small Causes, Chennai.

iv) On such deposit, the claimants no.1 to 3 and 5 are permitted to withdraw their share amount as apportioned by the Tribunal, along with the interest and costs, after adjusting the amount, if any already withdrawn, by filing necessary application before the Tribunal.

v) The share of minor claimant No.7, shall be deposited by the Tribunal in anyone of the nationalised Bank under re-investment scheme till she attains majority. The first claimant, who is guardian of the minor, is permitted to withdraw the accrued interest from the deposit of the minor' share, once in three months directly from the said Bank. On attaining the age of majority, the 7th claimant may be permitted to withdraw her share by filing necessary application before the Tribunal.

vi) The appellants/claimants are directed to pay the Court fee for the compensation amount, if required.

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vii)The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

viii)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.

17-11-2026

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
KKD

To

The Motor Accident Claims Tribunal/
Chief Court of Small Causes, Chennai.

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M.JOTHIRAMAN J.

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CMA Nos. 3395 & 3827 of 2026

17-11-2026

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