



WEB COPY



C.M.A.No.3644 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2026

CORAM :

THE HON'BLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No.3644 of 2025

1. Muneer Basha
2. Parveen Begum

... Appellants

Versus

1. The Commissioner,
Corporation of Chennai,
Ribbon Buildings, Chennai – 600 003.
(was set ex-parte in the trial Court).
2. New India Assurance Co. Ltd.,
Motor Third Party Claims HUB,
Bombay Mutual Buildings, 6th Floor
No.232, N.S.C. Bose Road, Chennai – 600 001.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the order made in M.C.O.P.No.569 of 2023, dated 07.03.2025, on the file of the III Court, Motor Accident Claims Tribunal (Court of Small Cause, Chennai).

For Appellants	: Ms. P.T. Saleem Fathima for M/s. Elagovan Law Associates
For R1	: Mr. D.B.R. Prabhu, Standing Counsel.
For R2	: Mr. J. Chandran.



WEB COPY



C.M.A.No.3644 of 2025

JUDGMENT

This Civil Miscellaneous Appeal is directed as against the award of the III Court, Motor Accident Claims Tribunal (Court of Small Cause, Chennai) in M.C.O.P.No.569 of 2023, dated 07.03.2025.

2. Briefly stated, on 18.12.2022, at about 9:15 hours, the deceased, Sadik Basha, was riding his motor cycle bearing Reg.No.TN 05 CF 9196, at Egmore PCO Road, near Police Hospital, Egmore, Chennai – 600 008. At that time, a garbage lorry bearing Reg.No.TN 22 CF 6138 came in the same direction in a very high speed, driven in a rash and negligent manner, endangering public safety and dashed against the deceased, due to which he sustained severe crush injury and died on the spot. The deceased, Sadik Basha was aged about 22 years at the time of the accident. He was working as a Project Assistant at Progressive Business Partnership and was earning a sum of Rs. 20,000/- per month.

3. The claimants are the mother and father of the deceased, who filed a claim petition before the Claims Tribunal. A sum of Rs.50,00,000/- was claimed as compensation. The Tribunal has fixed the income of the deceased as Rs.16,000/- per month, while the deceased was



C.M.A.No.3644 of 2025

earning Rs.20,000/- per month. Challenging the said award, the appellants are before this Court.

4.The learned counsel for the 2nd respondent/Insurance Company has submitted that the accident had not been caused due to any negligence on the part of the garbage lorry, therefore, respondents are not liable for payment of any compensation to the appellant. The learned counsel would further submit that the Tribunal rightly fixed the notional income of the deceased at Rs.16,000/- which warrants any interference by this Court.

5. Heard both sides. Records perused.

6. Considering the facts and circumstances of the case, the year of accident and the plight of the claimants, this Court deems it fit to fix the notional income of the deceased as Rs.21,000/- per month and add 40% to the future prospects making the total compensation towards loss of income and 50% deduction made from notional income is at **Rs. 31,75,200/-** (21,000 X 40/100 X 50/100 X 12 X 18).

8. Therefore, this Court finds it reasonable to enhance the



C.M.A.No.3644 of 2025

compensation under the various heads, which are as follows:

S.No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award confirmed or enhanced or granted
1.	Loss of Dependency	24,19,200	31,75,200	Enhanced
2.	Loss of Consortium	80,000	88,000 (44,000 X 2)	Enhanced
3.	Loss of Estate	16,500	16,500	Confirmed
4.	Funeral Expenses	16,500	16,500	Confirmed
	TOTAL	25,32,200/-	32,96,200/-	Enhanced by Rs.7,64,000/-

9. As a result of the aforesaid discussion,

(i) the present appeal is partly allowed and it is held that the appellants shall be entitled to a compensation of Rs.32,96,200/- along with interest at the rate of 7.5% per annum from the date of claim petition till the realization of the compensation.

(ii) The 2nd respondent/Insurance Company is directed to pay the above said compensation amount now determined by this Court to the appellants along with interest and costs, less the amount already deposited, if any, within a period of **twelve (12) weeks** from the date of receipt of copy of



C.M.A.No.3644 of 2025

this judgment.

WEB COPY

(iii) On such deposit, the appellants are permitted to withdraw their share as per the apportionment made by the Tribunal along with interest and cost, less the amount already withdrawn, if any.

07.01.2026

vsn

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To:

1.The III Judge,(Court of Small Cause,
The Motor Vehicle Accident Tribunal,
Chennai

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



WEB COPY



C.M.A.No.3644 of 2025

K.GOVINDARAJAN THILAKAVADI,J.

vsn

C.M.A.No.3644 of 2025

07.01.2026