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C.M.A.No.3...

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2026

CORAM :

THE HON'BLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

C.M.A.No. 3637 of 2025

1. P. Malarkodi
2. B. Jachin

... Appellants

Versus

The Managing Director,
Metropolitan Transport Corporation,
Mount road, Chennai – 600 002.
Branch Office at Poonamalle Bus Depot.

... Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the order made in M.C.O.P.No. 236 of 2022, dated 15.10.2025, on the file of the Motor Accidents Claims Tribunal, (III Additional District and Sessions Judge), Tiruvallur at Poonamallee.

For Appellants : Mr. K. Varadhakamaraj

For Respondent : Mr. M. Murali Vinodh



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JUDGMENT

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This Civil Miscellaneous Appeal is directed as against the award of the Motor Accidents Claims Tribunal, (III Additional District and Sessions Judge), Tiruvallur at Poonamallee in M.C.O.P.No.236 of 2022, dated 15.10.2025.

2. Briefly stated, on 04.11.2022, at about 19:50 hours, the deceased, Rajan was riding his Electric motor cycle bearing Reg.No.TN 01 AD 4137, in east-west direction on CTH Road, Mannurpet, when the MTC bus bearing Reg.No.TN 01 AN 1648 belonging to the respondent/Corporation, came in the same direction in a very high speed, driven in a rash and negligent manner, endangering public safety and dashed against the victim's motor-cycle, in the impact, the deceased sustained severe injuries on his shoulder, chest and face and multiple injuries all over the body. The deceased was admitted at Kilpauk Medical College Hospital, Chennai for treatment and died a day later on 05.11.2022, in spite of the best treatment administered. The deceased, R. Rajan was aged about 56 years at the time of the accident. He was working as an Auto driver and was earning a sum of Rs. 25,000/- per month.

3. The claimants are the wife and son of the deceased, who filed a claim petition before the Claims Tribunal. A sum of Rs.30,00,000/- was claimed as compensation. The



Tribunal has fixed the income of the deceased as Rs.18,000/- per month, while the deceased was earning Rs.25,000/- 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 bus, 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.18,000/- 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.18,500/- per month and add 10% to the future prospects making the total compensation towards loss of income and 2/3rd deduction made from notional income is at Rs. 14,65,200/- $(18,500 + 10/100 \times 12 \times 9 \times 2/3)$.

7. Therefore, this Court finds it reasonable to enhance the 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 Income	14,25,200	14,65,200	Enhanced
2.	Loss of Filial Consortium/ Love and Affection	80,000	88,000 (44,000 x 2)	Enhanced
3.	Loss of Estate	15,000	18,000	Enhanced
4.	Funeral Expenses	15,000	18,000	Enhanced
	TOTAL	15,35,600/-	15,89,200/-	Enhanced by Rs.54,000/-

8. 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.15,89,200/- along with interest at the rate of 7.5% per annum from the date of claim petition till the realization of the compensation. No costs.

(ii) The respondent/Corporation 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 **four (4) weeks** from the date of receipt of copy of this judgment.



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(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.

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vsn

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No

To:

1. III Additional District and Sessions Judge,
Motor Accidents Claims Tribunal,
Tiruvallur at Poonamallee.
2. The Section Officer,
VR Section, High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI,J.

Vsn

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