



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2026

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CORAM:

THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No.3651 of 2025

1. B.Kumar

2. K.Malliga

..Appellants

Vs.

The Managing Director
Metropolitan Transport Corporation,
Anna Salai, Chennai – 600 002.

..Respondent

Prayer:

This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988 praying to enhance the amount awarded in M.C.O.P.No.187 of 2022 dated 26.09.2025 on the file of Motor Accident Claims Tribunal, (2nd Additional District and Sessions Judge), Tiruvallur at Poonamallee.

For Appellants : Mr.K.Varadhakamaraj

For Respondent : Mr.M.Murali Vinodh,
Standing Counsel



JUDGMENT

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This Civil Miscellaneous Appeal has been preferred by the appellants/claimants seeking to enhance the quantum of compensation awarded by the learned II Additional District and Sessions Judge, Motor Accident Claims Tribunal, Tiruvallur, Poonamallee vide Judgment dated 26.09.2025 in M.C.O.P.No.187 of 2022.

2. The brief facts of the case are as follows:

On 08.06.2022, at about 9.05 p.m., Mr.Vignesh (deceased) was riding a motorcycle bearing Registration No.TN-12-AP-1424 towards East to West direction on the Mount – Poonamallee Trunk Road, Porur, while he was coming near the Sivan Koil, respondent Transport Corporation's MTC Bus bearing Registration No.TN-01-AN-3445 which was driven by its driver in the same direction had overtaken the motorcycle of the deceased on the right side in a rash and negligent manner, endangering the public safety, hit the motorcycle of the deceased. In the said accident, said Vignesh (deceased) sustained multiple grievous injuries all over his body and died on the spot. Hence, the appellants/claimants (parents of the deceased Vignesh) had filed a Claim Petition in M.C.O.P.No.187 of 2022 against the respondent Transport Corporation, claiming a sum of Rs.50,00,000/- as compensation for the death of Mr.Vignesh.



3. The respondent Transport Corporation had filed its counter statement denying all the averments made by the appellants/claimants in the Claim Petition.

4. Before the Tribunal, on the side of claimants, 2nd appellant examined herself as P.W.1 and two others were examined as P.W.2 & P.W.3 and 24 documents were marked as Exs.P1 to P24. On the side of respondent Transport Corporation, no witnesses were examined. That apart, 4 documents were marked as individual exhibits.

5. On appreciation of the oral and documentary evidence, the Tribunal arrived at the finding that the accident occurred due to the rash and negligent driving of the respondent Transport Corporation Bus driver.

6. The Tribunal awarded a sum of Rs.24,86,000/- as compensation to the appellants/claimants. The break-up details of the compensation awarded by the Tribunal are as follows:

S.No.	Heads	Amount awarded under various Heads
1	Loss of Income	Rs.23,76,000/-
2	Loss of Dependency	Rs.80,000/-
3	Loss of Estate	Rs.15,000/-
4	Funeral Expenses	Rs.15,000/-
Total		Rs.24,86,000/-



7. The Tribunal vide Judgment dated 26.09.2025, allowed M.C.O.P.No.187 of 2022 and directed the respondent Transport Corporation to pay the compensation of Rs.24,86,000/- (Rupees Twenty Four Lakhs Eight Six Thousand Only) to the appellants/claimants as per the apportionment, with proportionate cost and interest at 7.5% per annum from the date of numbering of claim petition till the date of realization.

8. Now, the appellants/claimants have preferred this Civil Miscellaneous Appeal before this Court, seeking to enhance the quantum of compensation awarded by the Tribunal.

9. Mr.K.Varadha Kamaraj, learned counsel for appellants/claimants submitted that though the appellants/claimants had claimed Rs.50,00,000/- as compensation for the death of their son Vignesh, the Tribunal has awarded only a sum of Rs.24,86,000/- as compensation to the appellants/claimants. He further submitted that at the time of accident, the deceased Vignesh was 23 years. As per the dictum laid down by the Hon'ble Supreme Court in the case of *National Insurance Co. Ltd., Vs. Pranay Sethi & Ors.* reported in **2017 (2) TNMAC 609 (SC)**, if the deceased was below 40 years of age at the time of accident, 40% of the monthly income of deceased has to be added towards future prospects. However, in the present case, the Tribunal has failed to add 40% of the monthly income of deceased towards future prospects. Therefore,



the learned counsel prayed that 40% of the monthly income of deceased may be added towards future prospects and the amount awarded under the head, “Loss of Income” may be enhanced.

10. On the other hand, Mr.M.Murali Vinodh, learned Standing Counsel appeared on behalf of the respondent Transport Corporation submitted that the amount awarded by the Tribunal under the head, “Loss of Income” is just and reasonable and hence, the same need not be enhanced.

11. Heard the learned counsel for appellants/claimants as well as the learned counsel appeared for respondent Transport Corporation and perused the materials available on record.

12. In the present case, the deceased sustained multiple grievous injuries in the accident occurred on 08.06.2022 and died on the spot. At the time of accident, the deceased was 23 years and he was earning Rs.22,000/- per month as an Accounts Trainee in Hyundai Company. While determining the Loss of Income, Tribunal fixed the monthly income of deceased as Rs.22,000/-, but, it failed to add any amount towards future prospects. Therefore, learned counsel for appellants/claimants prayed this Court to add 40% of the monthly income of deceased towards future prospects as per the principle laid down by the Hon’ble Supreme Court in *Pranay Sethi’s case* (referred to *supra*).



13. Considering the submissions made by the learned counsel for appellants/claimants, this Court is inclined to add 40% of the monthly income of deceased i.e., Rs.8,800/- towards future prospects as per the dictum laid down by the Hon'ble Supreme Court in *Pranay Sethi's case* (referred to *supra*). Accordingly, 40% of the monthly income of deceased i.e., Rs.8,800/- is added towards future prospects and thus, the amount of Rs.23,76,000/- awarded by the Tribunal under the head, "Loss of Income" is enhanced as Rs.33,26,400/-, the break-up details of which are as follows:

$$\begin{aligned} \text{Rs.22,000/-} + \text{Rs.8,800/- (40\% of Rs.22,000/-)} &= \text{Rs.30,800/-} \\ \text{Rs.30,800/-} \times 12 \times 18 \times \frac{1}{2} &= \text{Rs.33,26,400/-} \end{aligned}$$

14. The compensation awarded by the Tribunal under all other heads are just and reasonable and hence, the same are confirmed.

15. The break-up details of the enhanced compensation are as follows:

S.No.	Heads	Amount awarded by the Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Award Confirmed or Enhanced or
1	Loss of Income	Rs.23,76,000/-	Rs.33,26,400/-	Enhanced
2	Loss of Dependency	Rs.80,000/-	Rs.80,000/-	Confirmed
3	Loss of Estate	Rs.15,000/-	Rs.15,000/-	Confirmed
4	Funeral Expenses	Rs.15,000/-	Rs.15,000/-	Confirmed
Total		Rs.24,86,000/-	Rs.34,36,400/-	----



16. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation of Rs.24,86,000/- awarded by the Tribunal is enhanced to Rs.34,36,400/- (Rupees Thirty Four Lakhs Thirty Six Thousand and Four Hundred only). Out of the enhanced compensation of Rs.34,36,400/-, 1st appellant (father of the deceased) is entitled to Rs.15,00,000/- and 2nd appellant (mother of the deceased) is entitled to Rs.19,36,400/-. The respondent Transport Corporation is directed to deposit the enhanced compensation of Rs.34,36,400/-, after deducting the amount(s), if any, already deposited, along with interest at 7.5% per annum from the date of petition till the date of deposit (excluding the default period, if any), to the credit of M.C.O.P.No.187 of 2022, within a period of six weeks from the date of receipt of a copy of this judgment. On such deposit being made, appellants/claimants are permitted to withdraw their respective share of the enhanced award amount along with proportionate interest and cost. The appellants/claimants are directed to pay the necessary Court fee, if any, on the enhanced award amount, before receiving the copy of this judgment. No costs.

28-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

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- 1.Motor Accident Claims
Tribunal (2nd Additional District and Sessions Court),
Tiruvallur, Poonamallee.
- 2.The Managing Director,
Metropolitan Transport Corporation,
Anna Salai, Chennai – 600 002.
- 3.The Section Officer,
Vernacular Records Section,
High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J.

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