



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2026

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CORAM:

THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No.3835 of 2025

1.Mrs.K.Gowri

2.Mr.K.Vijayakumar

3.Mrs.K.Priyadarshini

4.Mrs.A.Mahalakshmi

...Appellants

Vs.

The Managing Director,
Metropolitan Transport Corporation,
Anna Salai,
Chennai – 600 002.
Branch Office at
Poonamallee Bus Depot.
Chennai – 600 056.

...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.17 of 2023 dated 29.08.2025 on the file of Motor Accident Claims Tribunal (2nd Additional District and Sessions Judge), Tiruvallur at Poonamallee as prayed for with interest and cost.

For Appellants : Mr.K.Varadhakamaraj

For Respondent : Mr.M.Murali Vinodh



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 Order dated 29.08.2025 in M.C.O.P.No.17 of 2023.

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

On 12.01.2023, at about 7.45 p.m., when one Mr.K.Kesavan (deceased) was riding a motorcycle bearing Registration No.TN 23 AP 8273 on the road towards North to South direction at Veerapuram to Avadi Main Road, Vellanoor, while he was coming near BCT Kalyana Mahal, the MTC Bus bearing Registration No.TN-01-N-5304 driven by its driver in a rash and negligent manner came in the opposite direction, endangering the public safety, hit the motorcycle of Kesavan (deceased) and ran over the said Kesavan (deceased). In the said accident, the said Kesavan had sustained severe multiple injuries all over his body and died on the way to Government Hospital, Avadi. Hence, the appellants/claimants had filed a Claim Petition in M.C.O.P.No.17 of 2023 against the respondent/Transport Corporation, claiming a sum of Rs.30,00,000/- as compensation for the death of Mr.Kesavan (deceased).



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 claimant, 1st appellant examined herself as P.W.1 and one Mr.Aananth Babu was examined as P.W.2 and 23 documents were marked as Exs.P1 to P23. On the side of respondent/Transport Corporation, no one was examined as witness and no document was marked as exhibit.

5. On appreciation of the oral and documentary evidence, the Tribunal has arrived at the finding that the accident had occurred due to the rash and negligent driving of the driver who drove the bus of respondent/Transport Corporation. The Tribunal has awarded a sum of Rs.10,28,620/- 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.9,28,620/-
2	Loss of Consortium	Rs.70,000/-
3	Loss of Estate	Rs.15,000/-
4	Funeral Expenses	Rs.15,000/-
Total		Rs.10,28,620/-



6. The Tribunal vide Order dated 29.08.2025, partly allowed M.C.O.P.No.17 of 2023 and directed the respondent/Transport Corporation to pay a sum of Rs.10,28,620/- as compensation to the appellants/claimants, with proportionate cost and interest at 7.5% per annum from the date of claim petition till the date of realization.

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

8. Mr.K.Varadhakamaraj, learned counsel for appellants/claimants submitted that though the appellants/claimants had claimed Rs.30,00,000/- as compensation for the death of Mr.Kesavan (deceased), the Tribunal has awarded only a sum of Rs.10,28,620/- as compensation to the appellants/claimants. He further submitted that there are four claimants in this case, but, the Tribunal had awarded a very meagre amount of Rs.70,000/- towards “Loss of Consortium” i.e., Rs.40,000/- to 1st appellant (wife of the deceased) and Rs.30,000/- to the appellants 2 to 4 (children of the deceased). Therefore, the learned counsel prayed that the amount awarded by the Tribunal towards “Loss of Consortium” may be enhanced.



9. On the other hand, Mr.M.Murali Vinodh, learned counsel appeared on behalf of respondent/Transport Corporation submitted that the amount awarded by the Tribunal towards “Loss of Consortium” is just and reasonable and hence, the same need not be enhanced.

10. Heard the learned counsel for appellants/claimants as well as the learned counsel appeared on behalf of respondent/Transport Corporation.

11. In the present case, one Mr.Kesavan had sustained multiple grievous injuries in the accident occurred on 12.01.2023 and died on the way to hospital. Therefore, the appellants/claimants (wife and children of the deceased Kesavan) had filed a Claim Petition before the Tribunal claiming a sum of Rs.30,00,000/- as compensation for the death of Kesavan and the Tribunal had awarded a sum of Rs.10,28,620/- as compensation. Now, the appellants/claimants have preferred this Civil Miscellaneous Appeal for enhancement of compensation awarded by the Tribunal.

12. It is the submission of the learned counsel for appellants/claimants that the amount awarded by the Tribunal towards “Loss of Consortium” is on the lower side and therefore, the same may be enhanced.



13. Acceding to the request of learned counsel for appellants/claimants, this Court is inclined to enhance the amount awarded by the Tribunal towards “Loss of Consortium”. Accordingly, the amount of Rs.70,000/- awarded towards “Loss of Consortium” is enhanced as Rs.1,60,000/-.

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
1	Loss of Income	Rs.9,28,620/-	Rs.9,28,620/-	Confirmed
2	Loss of Consortium	Rs.70,000/-	Rs.1,60,000/-	Enhanced
3	Loss of Estate	Rs.15,000/-	Rs.15,000/-	Confirmed
4	Funeral Expenses	Rs.15,000/-	Rs.15,000/-	Confirmed
Total		Rs.10,28,620/-	Rs.11,18,620/-	Enhanced by Rs.90,000/-

16. In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation of Rs.10,28,620/- awarded by the Tribunal is enhanced to Rs.11,18,620/- (Rupees Eleven Lakhs Eighteen Thousand Six Hundred and Twenty only). Out of the enhanced compensation of Rs.11,18,620/-, 1st appellant (wife of the deceased) is entitled to Rs.5,78,620/-, 2nd appellant (son of



the deceased) is entitled to Rs.1,80,000/-, 3rd appellant (elder daughter of the deceased) is entitled to Rs.1,80,000/- and 4th appellant (younger daughter of the deceased) is entitled to Rs.1,80,000/-. The respondent/Transport Corporation is directed to deposit the enhanced compensation of Rs.11,18,620/-, 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.17 of 2023, 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 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.

27.02.2026

mrr

Index: Yes/No

Speaking (or) Non-Speaking Order

Neutral Citation: Yes/No



To

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- 1.II Additional District and Sessions Judge,
Motor Accident Claims Tribunal,
Tiruvallur, Poonamallee.
- 2.The Managing Director,
Metropolitan Transport Corporation,
Anna Salai, Chennai – 600 002.
Branch Office at
Poonamallee Bus Depot.
Chennai – 600 056.
- 3.The Section Officer,
Vernacular Records Section,
High Court, Madras.



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K.GOVINDARAJAN THILAKAVADI, J.

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