



C.M.A.No.317 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.02.2026

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THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI,J.

C.M.A.No. 317 of 2026

1. Chinnapappamma
2. Srinivas Achari
3. Komala
4. Muniraj

...Appellants

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation,
Bharathipuram, Salem Main Road,
Dharmapuri.

...Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act,1988, against the order dated 04.09.2024 made in MCOP No.698 of 2021, on the file of the Special District Court, Motor Accidents Claims Tribunal, Krishnagiri.

For Appellants	: Mr.S.P.Yuaraj
For Respondent	: Mr. D. Nitin



C.M.A.No.317 of 2026

JUDGMENT

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This Appeal, under Section 173 of Motor Vehicles Act, has been filed by the appellants / claimants in MCOP No.698 of 2021, on the file of the Special District Court, Motor Accidents Claims Tribunal, Krishnagiri, for enhancement of the sum awarded by the claims tribunal.

2. Shortly stated, on 05.02.2020, at about 13.00 hours, the deceased Narayana Achari was riding his two wheeler bearing Registration No.TN-70-C-1038, from Rayakottai towards Hosur. At that time, near Alaseebam Government High Secondary School Bridge, a Tamil Nadu State Transport Corporation bus bearing Registration No.TN-29-N-2869, driven by its driver in a rash and negligent manner, came from behind and hit the two wheeler of the deceased, as a result of which, the deceased sustained fatal injuries, and was taken to Government Hospital, Hosur, for first aid. Thereafter, he was shifted to Government Hospital, Salem, for further treatment. In spite of intensive treatment, he died on 14.02.2020. FIR was registered against the driver of the bus.



C.M.A.No.317 of 2026

3. The legal representatives of the deceased preferred a claim petition for a compensation of Rs.30,00,000/- for the loss caused to them due to the death of deceased Narayana Achari. The respondent / Transport Corporation resisted the claim petition. The learned Tribunal, after analysing the oral and documentary evidence, held that the accident occurred due to rash and negligent driving of the driver of the offending bus, awarded a total sum of Rs.7,76,000/- and directed the respondent/Transport Corporation to pay the award amount to the claimants. Aggrieved over the quantum of compensation awarded by the Tribunal, the appellants / claimants are on appeal.

4. Mr.S.P. Yuaraj, the learned counsel for the appellants / claimants submits that, the deceased was an agriculturist at the time of accident earning a sum of Rs.30,000/- per month, however, the Tribunal had fixed the notional income of the deceased at Rs.9,000/- per month, which is very meagre. He would further submit that the Tribunal failed to award more amount for love and affection and for transport expenses. Hence, prayed for enhancement of compensation awarded by the Tribunal.



C.M.A.No.317 of 2026

5. On the other hand, the learned counsel appearing for the respondent / Transport Corporation would submit that the learned Tribunal, upon considering the facts and circumstances of the case, has awarded just compensation, which warrants any interference by this Court.

6. Heard on both sides. Records perused.

7. The findings of the learned Tribunal regarding the involvement of the bus in question and the deceased having sustained fatal injuries which ultimately resulted in his death, are not disputed. The aforesaid findings of the learned Tribunal appear to be quite correct. The findings are based on proper appreciation of evidence on record and there is no ground to interfere with the above findings of the learned Tribunal. Hence, the findings of the learned Tribunal in this regard are affirmed.

8. Now, the question arises as to whether fixing of notional monthly income of the deceased at Rs.9,000/- and the compensation awarded under the other heads by the Tribunal are appropriate and reasonable.



C.M.A.No.317 of 2026

9. On a perusal of the impugned order, it is seen that since no proof has been adduced by the claimants for the income of the deceased, the Tribunal had fixed the notional monthly income of the deceased at Rs.9,000/-. However, considering the year of accident and the avocation of the deceased, this Court deems it fit to fix the monthly income of the deceased at Rs.15,000/-. Since there are 4 dependants, 1/4 is deducted towards the personal expenses of the deceased. Considering the age of the deceased and applying the principles laid down in *National Insurance Co. vs Pranay Sethi and others* reported in **2017 (2) TNMAC 601**, no future prospects is applicable and multiplier 7 is adopted as per the judgment reported in **2009 (2) TN MAC 1 (SC), Sarala Varma and Others vs. Delhi Transport Corporation and Others**. Hence, the loss of dependency is calculated as under:

Calculation

Notional Income = Rs.15,000/-

Loss of dependency

= Rs.15,000/- x 12 x 7 - 1/4

= Rs.9,45,000/-

The Tribunal has awarded just compensation under the other heads, which warrants any interference.



C.M.A.No.317 of 2026

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10. The following tabular column would show the compensation awarded by the Tribunal and by this Court.

S. No.	Description	Amount awarded by Tribunal (Rs.)	Amount awarded by this Court (Rs.)	Modification
1.	Loss of dependency	5,67,000/-	9,45,000/-	Enhanced
2.	Loss of Estate	16,500/-	16,500/-	Confirmed
3.	Funeral Expenses	16,500/-	16,500/-	Confirmed
4.	Loss of consortium (44,000x4)	1,76,000/-	1,76,000/-	Confirmed
	Total	7,76,000/-	11,54,000/-	Enhanced by Rs.3,78,000/-

11. In the result,

i. The Civil Miscellaneous Appeal is partly allowed. No costs.

ii. The quantum of compensation awarded by the Tribunal is enhanced to Rs.11,54,000/- from Rs.7,76,000/-.

iii. The appellants are directed to pay court fee for the enhanced compensation amount, if any, and the Registry is directed to draft the



C.M.A.No.317 of 2026

decree only after receipt of Court fee.

- iv. The respondent/Transport Corporation is directed to deposit a sum of Rs. 11,54,000/-(less the amount already deposited) with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit, within a period of eight weeks from the date of receipt of a copy of this order, to the credit of MCOP No.698 of 2021, on the file of the Special District Court, Motor Accidents Claims Tribunal, Krishnagiri.
- v. On such deposit being made, the appellants are at liberty to withdraw their share as per the apportionment made by the Tribunal, with costs and interest, after filing a proper petition for withdrawal.
- vi. The appellants/claimants are not entitled to any interest for the default period in filing the above appeal.

18.02.2026

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Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order



C.M.A.No.317 of 2026

To

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1. The Special District Judge, Motor Accidents Claims Tribunal, Krishnagiri.
2. The Managing Director,
Tamil Nadu State Transport Corporation,
Bharathipuram, Salem Main Road,
Dharmapuri.



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C.M.A.No.317 of 2026

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C.M.A.No. 317 of 2026

18.02.2026