



C.M.A.No. 1864 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2025

CORAM:

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

C.M.A. No. 1864 of 2025

1.Sumathi,
2.Vivek,
3.Santhipriya,
4.Gowtham,
5. Loganayagi

... Appellants / Claimants

Vs.

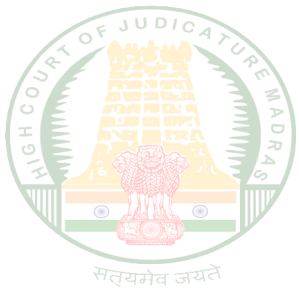
The Managing Director
Tamil Nadu State Transport Corporation
(Kumbakkonam) Limited,
Railway Station New Road,
Kumbakonam Taluk,
Tanjavore District,
Branch Office at Pallavan Salai,
Chennai - 600 002.

... Respondent

Prayer: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Award and Decree dated 21.04.2023 passed in M.A.C.T.O.P.No.7202 of 2018 on the file of the learned IV Judge, Court of Small Causes, Motor Accidents Claims Tribunal, Chennai.

For Appellants : Mr.N. Lavanya

For Respondent : Mr.M. Murali Vinodh



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JUDGMENT

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This Civil Miscellaneous Appeal is filed by the appellants / claimants seeking enhancement of compensation awarded by the learned IV Judge, Court of Small Causes, Motor Accidents Claims Tribunal, Chennai, in M.A.C.T.O.P.No.7202 of 2018, dated 21.04.2023.

2.The deceased, Mr. Rajendran, aged 46 years, was working as a Mason earning Rs15,000/- per month. On 15.07.2018, while riding his motorcycle on Poonamallee High Road near Koyambedu, a lorry bearing Reg. No. TN-10-BC-9849, driven rashly and negligently, hit him, causing fatal injuries. The Tribunal, after holding negligence against the lorry driver, awarded Rs.18,62,800/- with interest at 7.5% p.a. Dissatisfied with the quantum, the claimants have preferred this appeal.

3.The learned counsel appearing for the appellant would submit that the monthly income fixed at Rs.10,000/- is too low. The Tribunal ignored Ex.P-9 and Ex.P-10 showing earnings of ?15,000/- p.m. Further, the future prospects at 25% should have been enhanced to 40% for the deceased below 50 years in self-employment and the consortium has been awarded at Rs.40,000/- only to the wife is contrary to law. He would contend that the Tribunal ought to have



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awarded more compensation under various heads.

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4.The learned counsel appearing for the respondents would contend that this is a very reasonable award and does not warrant a reconsideration. The compensation amount claimed is excessive. The Tribunal rightly fixed income considering lack of documentary proof of higher earnings.

5.Heard the learned counsel appearing on either side and perused the papers.

6.On a perusal of records, it is seen that the deceased was working as Mason and the age of the deceased was 46 years at the time of accident, which is not disputed. Further, the multiplier of 13 applied by Tribunal is correct. Considering the avocation of the deceased as a skilled mason and the year of accident (2018), fixing monthly income at Rs.18,000/- is reasonable. Adding 10% future prospects, the monthly income becomes Rs.19,800/-. The annual income would work out to a sum of Rs.2,37,600/- (Rs.19,800/- x 12 = Rs.2,37,600/-). After deducting 1/4th amount towards his personal expenses, the annual contribution to the family would be a sum of Rs.1,78,200/-. Considering his age, the appropriate multiplier to be adopted is 11. Therefore,



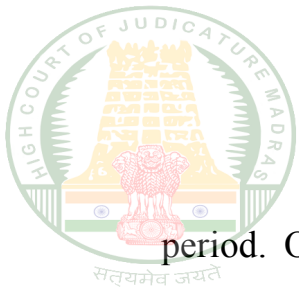
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the loss of dependency to the family would be a sum of Rs./- (Rs.1,78,200/-x 11

= Rs.19,60,200/-). Further, a sum of Rs.5,500/- granted towards transportation charges is enhanced to Rs.15,000/-. In all other respects, the Award remains unaltered. Therefore, taking into consideration the above aspects, the modified amount is as follows:

<u>Head</u>	<u>Tribunal Award</u> <u>(Rs)</u>	<u>Modified Award</u> <u>(Rs.)</u>
Loss of dependency	-Rs.12,52,350/-	-Rs.19,60,200
Consortium	-Rs.2,64,000	-Rs.2,64,000
Loss of estate	-Rs.16,500/-	-Rs.16,500/-
Funeral expenses	-Rs.16,500/-	-Rs.16,500/-
Transportation charges	-Rs.5,500/-	-Rs.15,000/-
Medical expenses	-Rs.1,98,684/-	-Rs.1,98,684/-
Attendant charges	-Rs.5,000/-	-Rs.5,000/-
Total	-Rs.17,58,534/-	-Rs.24,75,884/-

7. Accordingly, this Civil Miscellaneous Appeal is partly allowed. The respondent/Transport Corporation is directed to deposit the entire compensation amount of Rs.24,75,884/- with interest @7.5% per annum, less the amount already deposited, with proportionate accrued interest and costs, to the credit of M.A.C.T.O.P.No.7202 of 2018 on the file of the learned IV Judge, Court of Small Causes, Motor Accidents Claims Tribunal, Chennai, within a period of eight weeks from the date of receipt of a copy of this Judgment, if not deposited earlier. The claimants are not entitled to get interest for the default



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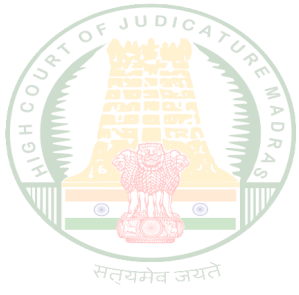
period. On such deposit, the claimants are permitted to withdraw the entire award amount with proportionate accrued interest and costs as apportioned by the Tribunal, by making necessary applications.

8. Pending proceedings, the 6th claimant Ponnappillai died. Hence, the other claimants are entitled to the share of the 6th claimant, as apportioned by the Tribunal.

The claimants are directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall not disburse the amount till such time as proof of payment of Court Fee has been produced by the claimant. No costs.

21.07.2025

Speaking / Non Speaking order
Neutral Citation : Yes/No
Index : Yes/No
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T.V.THAMILSELVI, J.

mps

To

1.The IV Judge,
Court of Small Causes,
Motor Accidents Claims Tribunal,
Chennai.

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

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