IN THE HIGH COURT OF ANDHRA PRADESH : AMARAVATI

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M.A.C.M.A.No's. 493/2021 and 524 of 2021

M.A.C.M.A.No.493 of 2021

Between:

1. THE MANAGING DIRECTOR, TAMILNADU STATE TRANSPORT CORPORATION, RAILWAY STATION NEW ROAD KUMBAKONAM TK, THANJAVUR DISTRICT, TAMILNADU STATE

...APPELLANT

AND

1. NIDADAVOLU SANDYA RANI, W/O LATE U. ASHOK KUMAR RAJU, AGE 34 YEARS, HINDU, R/O D.NO. 44/19-1F1, NETHAJI NAGAR. KURNOOL, KURNOOL DISTRICT AND 8 OTHERS.

..RESPONDENTS

Counsel for the Appellant:

1. K NARSI REDDY

Counsel for the Respondent(S):

1. VARUN BYREDDY

2. A JAYANTHI

M.A.C.M.A.No.524 of 2021

Between:

1. THE MANAGING DIRECTOR, TAMILNADU STATE TRANSPORT CORPORATION, RAILWAY STATION NEW ROAD KUMBAKONAM TK, THANJAVUR DISTRICT, TAMILNADU STATE

...APPELLANT

AND

1. U S REKHA, W/O LATE M. SURESH, AGE 38 YEARS,R/O H.NO. 46-1-J-4, FLAT NO. 205, NEHA TOWERS, SAPTAGIRI NAGAR, KURNOOL, KURNOOL DISTRICT AND 9 OTHERS.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 25.11.2026

SUBMITTED FOR APPROVAL:

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

AND

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

1. Whether Reporters of Local Newspapers may be allowed to see the judgment? Yes / No

2. Whether the copies of judgment may be marked to Law Reporters / Journals? Yes / No

3. Whether His Lordship wish to see the fair copy of the Judgment? Yes / No

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JUSTICE B. KRISHNA MOHAN

_____

JUSTICE ALAPATI GIRIDHAR

*** THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN**

AND

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

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Counsel for the Respondent(S):

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M.A.C.M.A.No.524 of 2021

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...RESPONDENTS

! Counsel for Petitioner/s	**:**	Sir K. Narsi Reddy
^ Counsel for Respondent/s	**:**	Sri Varun Byreddy& A. Jayanthi

< Gist:

> Head Note:

4. **? Cases referred:**
   i. (2021) 16 SCC 467
   ii. (2017) 16 SCC 680
   iii. (2009) 6 SCC 121
   iv. 2024 INSC 584
   v. (2020) SCC Online SC 410
   vi. 2026 INSC 634

Date reserved on : 25.08.2026
Date pronounced on : 25.11.2026
Date uploaded on : 25.11.2026

APHC010014262020

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3626]
(Special Original Jurisdiction)

WEDNESDAY, THE 25TH DAY OF NOVEMBER, 2026

PRESENT

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

AND

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

M.A.C.M.A.No's. 493/2021 and 524 of 2021

M.A.C.M.A.No.493 of 2021

Between:

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AND

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..RESPONDENTS

Counsel for the Appellant:

1. K NARSI REDDY

Counsel for the Respondent(S):

1. VARUN BYREDDY
2. A JAYANTHI

M.A.C.M.A.No.524 of 2021

Between:

1. THE MANAGING DIRECTOR, TAMILNADU STATE TRANSPORT CORPORATION, RAILWAY STATION NEW ROAD KUMBAKONAM TK, THANJAVUR DISTRICT, TAMILNADU STATE

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1. U S REKHA, W/O LATE M. SURESH, AGE 38 YEARS,R/O H.NO. 46-1-J-4, FLAT NO. 205, NEHA TOWERS, SAPTAGIRI NAGAR, KURNOOL, KURNOOL DISTRICT AND 9 OTHERS.

...RESPONDENTS

Counsel for the Appellant:

1. K NARSI REDDY

Counsel for the Respondent(S):

1. VARUN BYREDDY
2. A JAYANTHI

THE HONOURABLE SRI JUSTICE B. KRISHNA MOHAN

AND

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

M.A.C.M.A.No's. 493 of 2021 and 524 of 2021

The Court made the following COMMON JUDGMENT:

(per Hon'ble Sri Justice AlapatiGiridhar)

1. These two Appeals are filed by the Tamil Nadu State Transport Corporation against the Awards of the Motor Accidents Claims Tribunal-cum-I Additional District Judge, Kurnool, dated 03.10.2019 in M.V.O.P.No.3 of 2015 and M.V.O.P.No.307 of 2014 respectively, assailing the fastening of the entire liability on the Appellant.

2. Both the claim petitions arose out of the same accident, in which both the deceased were travelling together in the same Car. Hence,both the Appeals are taken up together and disposed of by this common judgment.

3. The Tribunal also ought to have disposed of these two Claim Petitions by a common Award instead of two separate Awards.

I.CONTENTIONS:

4. The learned counsel for the Appellant submits that he is confining these two Appeals to the liability aspect and sought to fasten 50% of the liability on Oriental Insurance Company Limited, as the accident was a head-on collision and there was contributory negligence on the Driver of

the Car and sought to consider the same. Also sought to modify the interest at 7.5% p.a instead of 9% p.a as ordered by the Tribunal and sought to allow the Appeals to that extent.

5. The learned counsel for the Claimants in both the Appeals submits that the Driver of the Bus was negligent and responsible for the accident. The Tribunal rightly considered the evidence on record and awarded the compensation. He sought to award just compensation by taking into consideration the actual salary of the deceased in both the Appeals. The Tribunal ought to have taken the gross salary after deducting the professional tax and income tax, relied on the Judgment of the **Hon'ble Supreme Court of India** in ***National Insurance Company Limited vs Pranay Sethi and others*** and also sought to consider the transport charges as ordered in MACMA No.524 of 2021.

6. The learned Standing Counsel for the Insurance Company submits that the Tribunal rightly considered the evidence on record and held that the driver of the Bus, came on the wrong side of the road and dashed against the Car. The driver of the offending Car was not negligent. The plea that 50% liability should be fastened as contributory negligence is without any evidence and merit and sought todismiss the Appeals.

II. BRIEF FACTS:

7. The case of the Claimants in both the cases is that on 26.01.2013, M. Suresh/deceased and U. Ashok Kumar Raju/deceased, along with the relatives were travelling in a Car/TN 49 N 6440 to visit

temples in Tamil Nadu, they were within the limits of Vallam Police Station, at about 4:15 p.m., the 2nd Respondent/Driver of the Car, was proceeding on the extreme left side of the road, but the Driver of the Tamil Nadu State Road Transport Corporation drove the Bus/TN 49 N 2010 in a rash and negligent manner, came in the wrong direction and hit the Car. The Respondent No.2/S. Khader Hussain, died on the spot (Respondent No's.3 to 6, are legal representatives of the 2nd Respondent, were brought on record), M. Suresh and his brother-in-law/U. Ashok Kumar Raj, also succumbed to the injuries on the way to the Hospital at Thanjavur. In this regard, Vallam Police registered a case in Crime No.35 of 2013 against the Driver of the Bus. In both the Claim Petitions, the Claimants sought compensation of Rs.1,00,00,000/- each.

8. The Appellant/Respondent No.1, filed the counter denying the manner of the accident and pleaded that the accident occurred due to the sole negligence of Respondent No.2, who was proceeding from east to west on NH-47 Road at Vallam Bypass Road, without noticing the Bus, turned towards the south to reach Vallam Village Bus Stop, dashed against the Bus and sought to dismiss the Claim Petition.

9. The Respondent No.2 died and his Legal Representatives/Respondent Nos.3 to 6 were brought on record and they remained *ex parte*.

10. Respondent No.7/Insurance Company of the Car filed the counter denying the liability and negligence on the part of the Driver of the

Car and pleaded that the Bus Driver was negligent and that the Insurance Companyof the Car is not liable to pay compensation and prayed to dismiss the petition.

11. As the case is not settled, the Tribunal framed the following issues in M.V.O.P.No.3 of 2015 (MACMA No.493 of 2021) & M.V.O.P.No.307 of 2014 (MACMA No.524 of 2021), which are common in both the cases:

i. *Whether the accident dated 26.01.2013 took place because of rash and negligence on the part of the driver of the Bus bearing No.TN 49 N 2010 as stated in the petition?*
ii. *Whether the petitioners are entitled to compensation? If so, to what amount and from whom?*
iii. *To what relief?*

III. EVIDENCE OF PARTIES:

M.V.O.P.No.03 of 2015

12. The Tribunal recorded the evidence of PW.1/N. Sandhya Rani, PW.2/P. Madhu Mohan Kumar Raju and PW.3/T. Lepakshaiah and exhibited A1/Certified copy of F.I.R., A2/Certified copy of postmortem report, A3/Death certificate of U. Ashok Kumar, A4/ SSC certificate, A5/Endorsement dated 11.2.2014, A6/Receipt dated 29.01.2013, A7/Salary certificate, and A8/MVI report of motor Car, X1/Authorization letter. And also recorded the evidence of RW.1/I. Kumar, Driver of R1 and RW.2/R. Nageswara Rao, butdid not exhibitany documents on behalf of the Respondents.

M.V.O.P.No.307of 2015

13. The Tribunal recorded the evidence of PW1/U.S. Rekha, PW2/P. Madhu Mohan Kumar Raju and PW3/Isaq and exhibited A1/Certified copy of F.I.R., A2/Translated copy of F.I.R., A3/Inquest report of M. Suresh, A4/Translated copy of Inquest report, A5/Postmortem certificate of Suresh, A6/Death certificate, A7/SSC certificate, A8/Salary certificate, A9/Charge sheet, A10/Certified copy of accident register, A11/Certificate of Commendation, A12/Office copy of legal notice, A13/Served postal acknowledgment and A14/MVI report of motor car and also recorded the evidence of RW.1/I. Kumar, Driver of R.1 and RW.2/R. Nageswara Rao, but did not exhibit any document on behalf of the Respondents.

14. The Tribunal in both the Claims Petitions answered the Issue No's.1 to3 in favour of the Claimants and allowed both the Claim Petitions partly for compensation of Rs.54,59,155/- against the claim of Rs.1,00,00,000/- and Rs.33,58,195/- against the claim of Rs.1,00,00,000/- in M.V.O.P.No.307 of 2014 and M.V.O.P.No.3 of 2015 respectively.

IV.ANALYSIS:

15. There is no dispute with regard to the accident, death of U. Ashok Kumar Raju and M. Suresh in the road accident, their jobs, salary and statutory deductions. The point that arises for consideration in these Appeals is whether theTribunal erred in awarding the entire liability on the

Appellant/Owner of the Bus without considering the contributory negligence by the Car.

V.ON CONTRIBUTORY NEGLIGENCE

16. The evidence of PW. 1 in both the Claims reveals that she is the wife of the deceased, deposed about her husband's job and the relation of the Claimants, his death in the accident, etc.

17. The evidence of PW.2 in both the Claims is that he was also travelling for Temples in the Car, the 1st Respondent drove the Bus/TN 49 N 2010 in a rash and negligent manner and suddenly turned into the lane in a wrong direction in a prohibited way, dashed their Car, the Car Driver died on the spot and that he, M. Suresh and U. Ashok Kumar Raju sustained injuries, the latter two succumbed to injuries. The Appellant also cross-examined PW.2 but could not elicit anything remotely suggesting contributory negligence by the Car.

18. The material on record reveals that the FIR was registered under Sections 279, 337 and 304-A of IPC by Vallam Police Station, Thanjavur, Tamil Nadu State. The charge sheet filed by Vallam Police Station, Tamil Nadu reveals that the Bus, on reaching Vallam Bus Stand, while proceeding towards the eastern side from Tiruchi, darted across the way, which was cautioned by the Police as a prohibited way, in a rash and negligent manner, dashed against the Car/TN 49 AM 6440, which was proceeding from Thanjavur to Tiruchi, east to west, on the left margin of the road. That the Driver of the State Corporation Bus drove the Bus in a

rash and negligent manner, violating the traffic Rules and sought to punish him.

19. The Tribunal relied on the evidence of PW.2 and charge sheet and held that the oral evidence clearly shows the case of the Claimants. Further, the investigation also supports the claim of the Claimants and evidence of PW.2 that the Driver of the Bus without observing the Car, entered the road in a wrong way in prohibited road and negligently drove the Bus and caused the accident. The material on record reveals that there was no issue before the Tribunal on contributory negligence, it shows that the Appellant did not submit hearing before the Tribunal to frame the issue on contributory negligence or even subsequently did not take steps to recast the issue on contributory negligence. Thus, the Appellant cannot raise this point before this Court in these circumstances. However, the Appellant could not demonstrate any material to show contributory negligence by the Driver of the Car.

20. Thus, the Court, in view of the material on record, inclined to hold that the Appellant could not demonstrate the contributory negligence by the Driver of the Car. Further, no issue was framed and also there was no evidence on record to show the contributory negligence. Thus, this contention of the Appellant is without merit and liable to be rejected.

VI.ON QUANTUM OF COMPENSATION

The learned Counsel for the Claimants sought to award just compensation by invoking Order XLI Rule 33 of CPC.

21. The record reveals Claimants/wife and two daughters of U. Ashok Kumar Raju/deceased in M.A.C.M.A. No.493 of 2021 filed the claim petition (MVOP No.3 of 2015) for compensation of 1 crore under the following heads, Rs.95,00,000/- for Loss of Earnings, Rs.30,000/- for Transportation of body, Rs.20,000/- for Funeral Expenses and Rs.5,00,000/- for Loss of Consortium.

22. The Claimants/wife, daughter and son and mother of M. Suresh/deceased in M.A.C.M.A. No.524 of 2021 filed the claim petition (MVOP No.307 of 2014) for compensation of 1 crore under the following heads, Rs.90,00,000/- for Loss of Earnings, Rs.50,000/- for Transportation of body, Rs.20,000/- for Funeral Expenses, Rs.5,00,000/- for Loss of Consortium and Rs.5,00,000/- for Loss of Estate (Total Rs.1,00,70,000/- but sought compensation of 1 crore).

23. But in these two claims, there is no detailed calculation to arrive at loss of earnings of Rs.95,00,000/- and Rs.90,00,000/- respectively, which suggests that the claim petitions were filed not only without basic calculations to arrive at loss of earnings but also with exorbitant claims. It appears the Counsel for the Claimants before the Tribunal also did not guide the Claimants on the compensation they are entitled to claim.

24. As rightly contended by the learned Counsel for the Claimants, even in the absence of an Appeal or cross-objections by the Claimants, to correct the error committed by the Tribunal for taking net salary and to award just compensation, this Court may invoke Order XLI Rule 33 of CPC

even in the absence of assistance by the Counsels, which is in fact their duty to guide the Claimants on the Appeal or cross-objection to challenge the Award and seek enhancement. The law is settled on the powers of the Court to invoke Order XLI Rule 33 of CPC to award just compensation (see ***Surekha & others Vs Santosh & others***, (2021) 16 SCC 467). The material on record warrants invoking the power of the Court to award just compensation and to follow the law laid down by the **Hon'ble Constitutional Bench of Hon'ble Supreme Court of India** in ***National Insurance Company Vs. Pranay Sethi.***[1]

MACMA No.493 of 2021

25. As rightly contended by the learned Counsel for the Claimants, the Tribunal erred in taking the net salary of the deceased/U. Ashok Kumar Raju as Rs.19,394/-. As per the salary slip/Ex.A.7, the gross salary was Rs.26,274/-, which is not in dispute. After deducting professional tax of Rs.200/-, his salary was Rs.26,074/-. The other deductions i.e. Rs.6,050/- under General Provident Fund/GPF, which was a contribution and the same will generally befully returned to the employee after superannuation or on death, to his family members, Rs.600/- under Andhra Pradesh Government Life Insurance Scheme/APGLI, which will be returned to the Employee on its maturity or on his death, to his family members and Rs.30/- under Group Insurance Scheme, which will be returned to the employee after superannuation or, on his death, to his family members. Thus, the above three heads clearly show that the Provident Fund and

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1(2017) 16 SCC 680

Insurance subscription amounts will be returned with accumulated amounts as per the Rules. Thus, they shall be considered in salary for the purpose of computing compensation. By any stretch of imagination, these deductions cannot be equated with deductions to be excluded from salary for computation of compensation, like professional or income tax, and be deducted from salary. But the record shows that the Tribunal did not assign any reasons for deducting the amounts under these three heads from the salary. The record shows that the Parties and their Counsels did not assist the Tribunal on these lines, even without assistance by the Counsels, the Tribunal has a duty to examine the above three heads to consider and compute in the salary for the purpose of the computation. The law is settled in this regard. The **Hon'ble Supreme Court of India** in **Sarala Verma & Others Vs. Delhi Corporation & Another**[2] held that '*Generally the actual income of the deceased less income tax should be the starting point for calculating the compensation*.' And also in **Pranay Sethi** case supra, held that 'Actual salary should be read as actual salary *less* tax'. Thus, the Tribunal grossly erred in deducting contributions of Rs.6,050/- for GPF, Rs.600/- for APGLI and Rs.30/- for GIS from the salary for the purpose of computing compensation.

26. Thus, the actual salary *less* professional tax was Rs.3,12,888/- p.a (Rs.26,074/- x 12), after duly taking into consideration of the above three heads of GPF, APGLI and GIS. The salary of Rs.3,12,888/- is arrived at as actual salary, which shall be examined for deduction of

[2] (2009) 6 SCC 121

Income Tax, which appears was neither assisted by the Parties and their Counsel nor deducted by the Tribunal. In the relevant Financial Year 2012-13, for Individuals, no Income Tax upto Rs.1,80,000/-, 10% rate for Rs.1,80,000/- to Rs.5,00,000/- range. As the income was arrived at Rs.3,12,888/- p.a, Rs.13,289/- was to be deducted towards income tax and the annual income was Rs.2,99,599/- (Rs.3,12,888/- (-) Rs.13,289/-). As the Claimants were three in number, 1/3rd was to be deducted towards deceased personal and living expenses, which was rightly deducted by the Tribunal, then the loss of dependency was Rs.1,99,733/- (Rs.2,99,599/- (-) Rs.99,866/-). As the deceased was with a permanent job and aged 39 years, future prospects of 40% was to be added, which was also considered by the Tribunal. The total should be Rs.2,79,626/- (Rs.1,99,733/- + Rs.79,893/-), For the age of 39 year, the applicable multiplier is 15, which was rightly considered by the Tribunal, thus the total loss of dependency shall be Rs.41,94,390/- (Rs.2,79,626/- x 15).

MACMA No.524 of 2021

27. As rightly contended by the learned Counsel for the Claimants, as stated supra, the APGLI and GIS shall be computed for the purpose of compensation, but the Tribunal erred in taking the net salary of the deceased/M. Suresh as Rs.28,514/-. As per salary slip/Ex.A.8, the actual salary was Rs.29,374/-, which is not in dispute. After deducting professional tax of Rs.200/-, the salary was Rs.29,174/- per month. The deductions of APGLI of Rs.600/- and GIS of Rs.60/- are subscriptions for insurance and the amounts will be returned with accumulated amounts as

per the Rules. Thus, they shall be considered in the salary for the purpose of computation of compensation for the reasons stated supra as per law in **Sarla Verma and Pranay Sethi** cases. The Tribunal arrived at Rs.53,86,155/-, but an error took place in the calculation, in fact, the total should be Rs.53,89,155/-.

28. Thus, the actual salary *less* professional tax was Rs.3,50,088/- p.a (Rs.29,174/- x 12), after duly taking into consideration of the above two heads of APGLI and GIS, the salary of Rs.3,50,088/- arrived at as actual salary, which shall be examined for deduction of Income Tax, which appears neither assisted by the Parties and their Counsel nor deducted by the Tribunal. In the relevant Financial Year 2012-13, for individuals, no income tax upto Rs.1,80,000/-, 10% to be deducted for Rs.1,80,000/- to Rs.5,00,000/- range. As the income was arrived at Rs.3,50,088/- p.a, Rs.17,009/- was to be deducted towards income tax, and the annual income was Rs.3,33,079/- (Rs.3,50,088/- (-) Rs.17,009/-). As the Claimants were four in number, 1/4th was to be deducted towards his personal and living expenses, which was rightly deducted by the Tribunal, then the loss of dependency was Rs.2,49,809/- (Rs.3,33,079/- (-) Rs.83,270/-). As the deceased was with a permanent job and aged 38 years, future prospects of 40% was to be added, which was also considered by the Tribunal, the total should be Rs.3,49,733/- (Rs.2,49,809/- + Rs.99,924/-). For the age of 38 year, the applicable multiplier is 15, which was rightly applied by the Tribunal, thus the total loss of dependency should be Rs.52,45,995/- (Rs.3,49,733/- x 15).

29. The law in ***Pranay Sethi*** supra, including on Future Prospects, deduction for personal and living expenses, multiplier, Loss of Consortium, Loss of Estate and Funeral Expenses etc., has been applied retrospectively. (see ***Rojalini Nayak & Others Vs Ajit Sahoo & Others***[3])

30. The **Hon'ble Supreme Court of India** in ***United India Insurance Company Limited Vs. Satinder Kaur and others***[4], held that the parents and children are also entitled to Consortium.

31. Whereas, in both the Claims Petitions, the Tribunal awarded Rs.40,000/- towards loss of consortium, Rs.15,000/- towards loss of estate and Rs.15,000/- towards funeral expenses.

32. As per the law in ***Pranay Sethi (supra)***, the compensation under the conventional heads, namely, loss of estate, loss of consortium and funeral expenses, is fixed at Rs.15,000/-, Rs.40,000/- and Rs.15,000/- respectively. The aforesaid conventional heads should be enhanced at the rate of 10% for every three years. Thus, the Claimants are entitled to enhanced amounts of Rs.19,500/-, Rs.52,000/- and Rs.19,500/- respectively. Accordingly, the Award is modified.

33. This Court, considering and awarding the claim of Rs.30,000/- for transportation of dead body from Tamil Nadu State as awarded in MACMA.No.524 of2021.

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[3] 2024 INSC 584

4(2020) SCC Online SC 410

34. In view of the law and reasons as stated supra, this Court is inclined to invoke Order XLI Rule 33 of C.P.C to award just compensation in these circumstances.

35. The compensation awarded by the Tribunal under different heads and the compensation enhanced by this Court are as follows:

M.A.C.M.A.No.493 of 2021

S.No	Head of the claim	Compensation awarded by the Tribunal (Rs.)	Compensation enhanced by this Court (Rs.)	Remarks
1.	Loss of Earnings & Future prospects	32,58,195/-	41,94,390/-	As per **Pranay Sethi case**, by taking actual salary of Rs.26,074/- x 12 and after deducting I.T, and 1/3rd towards personal expenses and adding F.P of40%.
2.	Loss of Consortium	40,000/-	1,56,000/-	Rs.52,000/- each for the three Petitioners (wife and two daughters) as per ***Pranay Sethi and Satinder Kaur*** cases
3.	Loss of Estate	15,000/-	19,500/-	As per ***Pranay Sethi*** case
4.	Funeral expenses	15,000/-	19,500/-	As per ***Pranay Sethi*** case
5.	Transport charges	30,000/-	30,000/-	Maintained as per the Tribunal
	Total	**33,58,195/-**	**44,19,390/-**	

M.A.C.M.A.No.524 of 2021

S.No	Head of the	Compensation	Compensation	Remarks

	claim	**awarded by the Tribunal (Rs.)**	**enhanced by this Court (Rs.)**	
1.	Loss of Earnings & Future prospects	53,86,155/-	52,45,995/-	As per **Pranay Sethi case**, by taking annual salary of Rs.29,174/- x 12 and after deducting I.T, and 1/4th towards personal expenses and adding F.P of 40%.
2.	Loss of Consortium	40,000/-	2,08,000/-	Rs.52,000/- each for the four Petitioners (wife, daughter, son and mother) as per ***Pranay Sethi and Satinder Kaur*** cases
3.	Loss of Estate	15,000/-	19,500/-	As per ***Pranay Sethi*** case
4.	Funeral expenses	15,000/-	19,500/-	As per ***Pranay Sethi*** case
5.	Transport charges	Not awarded	30,000/-	Transport charges awarded.
	Total	**54,59,155/-**	**55,22,995/-**	

36. Thus, for the aforesaid reasons, the Claimants in MACMA No.493 of 2021 are entitled to the enhanced compensation of Rs.44,19,390/- from Rs.33,58,195/- and the Claimants in MACMA No.524 of 2021 are entitled to enhanced compensation of Rs.55,22,995/- from Rs.54,59,155/-. The interest of 9% p.a ordered by the Tribunal is modified to 7.5% p.a.

37. Thus, the Award of the Tribunal is modified on quantum of compensation to the extent as indicated above.

38. The parties through their counsels, shall file the claim petitions in accordance with law, setting out the compensation claimed under each head with

detailed computations and supporting documents, such particulars shall form the basis for the Insurer and the Insured to examine the claims and file their respective counters, admitting the claim either partly or wholly, wherever there are no violations of the terms and conditions of the Insurance Policy and there is no dispute regarding the occurrence of the accident and negligence, depending on the facts of the case. Even where the Insurer seriously disputes its liability, it shall nevertheless furnish the computations under the relevant heads in accordance with law so as to assist the Tribunal to examine and award just compensation against the Insured. In other words, in every motor accident claim, whether the Insurer is wholly liable, partly liable or not liable at all, the Insurer shall set out its specific defence, together with the relevant computations, to enable the Tribunal to determine whether the award is to be passed wholly against the Insurer, partly against the Insurer and partly against the Insured, or wholly against the Insured, as the case may be, depending upon the facts and circumstances of the case. Failure to furnish such particulars and computations, it may be construed that the parties and the counsels did not file the claim petitions and counters complying with the law(see **Shishupal @ Shishram and Others v. Surjit and Others[5], also Order VIII and Order XII Rule 6 of CPC**). The Chairmen of the Tribunals shall ensure filing of the claims and counters in the manner as indicated supra. In the pending claims, either seeking reference to LokAdalat or being taken up for arguments, the Counsels shall file the brief synopsis setting out the relevant computations as stated supra to assist the Tribunal to examine the case to award just compensation. Similarly, the Appeals

[5] 2026 INSC 634

shall also be filed with the relevant computations in support of their case, either seeking enhancement or reduction of the compensationon grounds such as applicability of multiplier, deduction towards for living and personal expenses, Income Tax, future prospects or contributory negligence etc. In the pending Appeals also, the Counsels shall also file the brief synopsis with such computations as indicated supra to assist the Court in effectively and expeditiously adjudicating the matters. The Public Sector Insurance Companies shall ensure compliance with the law, any failure to comply with the same may render the concerned violators liable for legal consequences depending on the facts of the case.

39. Whereas, in the MVOP No.3 of 2015, the claim petition was filed for Rs.1,00,00,000/- without detailed computations to arrive at Rs.95,00,000/- under the head for Loss of Earnings as stated supra. In MVOP No.307 of 2014, the claim petition was filed for Rs.1,00,00,000/- without detailed computations to arrive at Rs.90,00,000/- under the head for Loss of Earnings as stated supra. These indicate that the Parties filed exorbitant claims without furnishing supporting computations to substantiate the claims. It is also indicated that the learned Counsel have not adequately guided the Parties on the quantum of compensation to which they are entitled as per law. It further appears that even during the arguments, the Parties and their Counsel did not assist the Tribunal with their respective calculations on these lines as stated supra, although they have a duty to do so. Generally, such conduct significantly contributes to avoidable delays in the disposal of cases, which requires introspection and

effective measures, as indicated supra, on their part to contribute to the effective and expeditious disposal of the claims in the interest of justice.

40. As stated supra, the Appellant could not demonstrate contributory negligence by the Driver of the Car to warrant interference by this Court. Thus, the Appeals are liable to be dismissed.

VII. RESULT:

41. In the result, the Appeals are dismissed with costs and the Advocate Fee is fixed at Rs.25,000/- payable to the Claimants in each Appeal.

42. The Appellant/Respondent No.1/Tamil Nadu State Transport Corporation shall pay the enhanced compensation of Rs.44,19,390/- to the Claimants in M.A.C.M.A. No.493 of 2021 and Rs.55,22,995/- to the Claimants in M.A.C.M.A. No.524 of 2021, with interest at 7.5% p.a. from the date of filing of the Claim Petitions till the date of realization. The compensation amount shall be apportioned among the Claimants in the same ratio and manner as ordered by the Tribunal in the Awards.

As a sequel, any pending miscellaneous Petitions shall stand closed.

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JUSTICE B. KRISHNA MOHAN

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JUSTICE ALAPATI GIRIDHAR

Dt: 25.11.2026,
JKS

Note:
L.R copy to be marked
B/O : JKS

Whether the Order is:

Speaking		Reasoned	☑
Reportable	☑	Non-reportable	

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

AND

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

M.A.C.M.A.Nos. 493/2021 and 524 of 2021

25.11.2026

JKS