

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 15.07.2026**

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**CORAM**

**THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH**

**CMA No.675 of 2024**

1.Natesan

2.Subban

3.Pappa @ Chinnapappa

4.Palanivel

5.Valarmathi

6.Easwaran

..Appellants

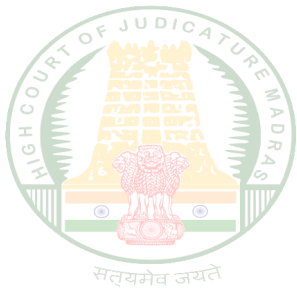
.vs.

1.Mani

2.The United India Company Limited,  
Divisional Office, No.146/N, II Floor  
Kumar Complex, Anna Salai,  
Tiruchengode Taluk,  
Namakkal District.

..Respondents

**Prayer:** Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the Judgment and Decree made in MCOP No.723 of 2016, dated 26.09.2022 on the file of the Motor Accident Claims Tribunal, Additional District Judge at Namakkal.



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For Appellants : Mr.Linkesava for  
Mr.C.Thangaraju

For Respondents : Ms.I.Malar for R2

### **JUDGMENT**

This appeal has been filed challenging the Award passed by the MACT, Additional District Judge, Namakkal in MCOP No.723 of 2016 dated 26.09.2022, wherein, the claimants are seeking for enhancement of compensation.

2.The claimants 1 to 3 are the children of the deceased. On demise of one Valiammal who was the daughter of the deceased, her legal heirs viz., 4<sup>th</sup> to 6<sup>th</sup> claimants were impleaded as parties before the Tribunal.

3.The case of the claimants is that the deceased was waiting in a bus stop on 09.04.2016 and at about 12.30 noon, the offending vehicle which was a bus, was driven in a rash and negligent manner and it dashed against the deceased. As a result of which, the deceased sustained grievous injuries and he succumbed to the injuries. An FIR came to be registered in Crime No.71 of 2016 against the driver of the offending vehicle. It is under these circumstances, the claim petition came to be filed before the Tribunal.



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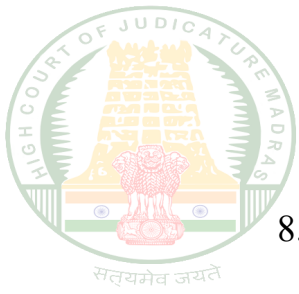
4.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the driver of the bus was negligent to an extent of 75% and the deceased had contributed 25% negligence.

5.Having rendered the above finding, the Tribunal fixed the total compensation at Rs.2,41,591/- under various heads as follows:

| <b>Compensation awarded under the head</b>                                | <b>Amount (in Rs.)</b> |
|---------------------------------------------------------------------------|------------------------|
| Loss of Income<br>(4500 x 12 x 5)                                         | 2,70,000               |
| Love and Affection                                                        | 16,500                 |
| Funeral Expenses                                                          | 16,500                 |
| 25% of contributory negligence fixed against deceased. Hence, 25% reduced | 2,27,250               |
| Medical Expenses                                                          | 14,341                 |
| <b>Total</b>                                                              | <b>2,41,591</b>        |

6.The above compensation is liable to be paid along with interest at the rate of 7.5% per annum.

7.Aggrieved by the same, the claimants have filed the present appeal seeking for enhancement of compensation.



8. Heard the learned counsel for the appellants and the learned counsel appearing on behalf of the respondents.

9. The main ground that was urged is that the Tribunal had attributed 25% negligence against the deceased without any evidence and based on mere presumption. The other submission made is that, the compensation fixed under the various heads is on the lower side and it requires the interference of this Court.

10. The claimants had examined PW2, who is the eye witness in this case. He has explained the manner in which the incident had taken place and he had attributed the entire negligence on the driver of the bus. There was no contra evidence available on the side of the respondents. In spite of the same, the Tribunal proceeded to fix 25% contributory negligence against the deceased. The same is unsustainable and it requires the interference of this Court. Accordingly, the said finding is hereby set aside and this Court holds that the entire negligence is attributable to the driver of the offending vehicle.

11. Coming to the question of compensation, the Tribunal had taken into consideration the fact that the deceased was aged about 75 years.



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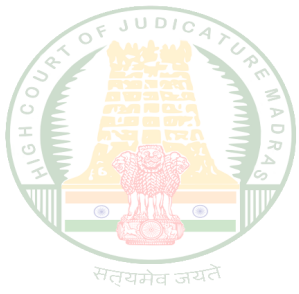
Accordingly, the Tribunal has fixed a sum of Rs.2,70,000/- towards loss of income based on the judgment of the Apex Court in *Sarla Verma & Ors. v. Delhi Transport Corporation & Anr.* reported in *AIR 2009 SC 3104*.

12.The claimants are not dependents of the deceased. The deceased was aged about 75 years at the time of his demise. Therefore, the compensation fixed by the Tribunal under the head of loss of income is fair and reasonable and it does not require the interference of this Court.

13.The Tribunal has fixed only a sum of Rs.16,500/- under the head of loss of love and affection. There were two sons and two daughters for the deceased. Hence, this Court is inclined to fix a sum of Rs.1,60,000/- under the head of loss of consortium.

14.The Tribunal has not fixed any compensation under the head of loss of estate. This Court is inclined to fix a sum of Rs.15,000/- towards the loss of estate.

15.In the light of the above discussion, the compensation fixed by the Tribunal is modified as follows:

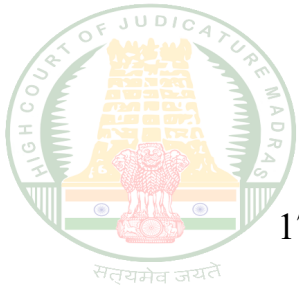


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| Compensation awarded under the head | Amount (in Rs.) |
|-------------------------------------|-----------------|
| Loss of Income<br>(4500 x 12 x 5)   | 2,70,000        |
| Love and Consortium                 | 1,60,000        |
| Funeral Expenses                    | 16,500          |
| Loss of Estate                      | 15,000          |
| Medical Expenses                    | 14,341          |
| <b>Total</b>                        | <b>4,75,841</b> |

16.The compensation awarded by the tribunal at Rs.2,41,591/- is enhanced to Rs.4,75,841/-. The second respondent/insurance company is directed to deposit the enhanced compensation of Rs.4,75,841/-, less the amount already deposited, together with interest at the rate of 7.5% p.a. from the date of claim petition till the date of deposit within a period of four weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.2,34,250/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 395 days as was ordered by this Court in C.M.P.No.918 of 2024, dated 11.03.2024. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.



17. In the result, this Civil Miscellaneous Appeal is partly allowed in

the above terms. No Costs.

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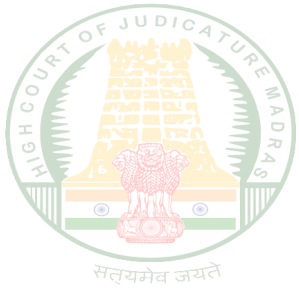
**15.07.2026**

Index : Yes/No

Speaking Order/Non-Speaking Order

Neutral citation : Yes/No

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**N. ANAND VENKATESH., J**

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To

The Motor Accident Claims Tribunal, Additional District Judge at Namakkal.

**CMA No.675 of 2024**

**15.07.2026**