



Non-Reportable

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal No. 3595 of 2024

Thangavel & Ors.

...Appellants

Versus

**The Managing Director, Tamil Nadu
State Transport Corporation Limited**

...Respondent

J U D G M E N T

K. VINOD CHANDRAN, J.

1. The appellants are the parents aggrieved with the reduction of compensation awarded for the death of their son in a motor accident, by the impugned judgment of the Madurai Bench of Madras High Court.
2. A 10-year old boy while cycling to school was hit by a bus of the respondent-Corporation. The appeal is only on the quantum and there is no dispute raised by

the Corporation as to the negligence found on their driver.

3. The Tribunal awarded an amount of Rs.8,55,000/- reckoning the income of the child at Rs.5,000/- per month and determining the compensation for loss of dependency adopting the multiplier of 18 and deducting 2/3rd for personal expenses. An amount of Rs.1,00,000/- was granted for the loss of love and affection along with funeral expenses of Rs.25,000 and Rs.5,000/- each for transportation and loss of dress, ornaments and cycle.

4. The High Court reduced the income by Rs.2,70,000/- finding that Rs.30,000/- per year as per the Schedule II of the Motor Vehicles Act, 1988¹ was to be adopted as the income and the multiplier applicable is only 15 considering the age of the mother. While the amount for loss of love and affection was confirmed,

¹ "the Act"

funeral expenses was reduced to Rs.15,000/- and the amounts granted for transportation and damage to clothes and cycle were deleted. A further amount of Rs.15,000/- was granted as loss of estate, thus reducing the total award amounts to Rs.5,80,000/-.

5. There is no straight jacket formula as to the income to be adopted in the case of children when they suffer injuries or succumb to death, in a motor vehicle accident. In fact, the Tribunal had considered a Division Bench decision which adopted the income of Rs.5,000/- per month for a 9-year old. The High Court does not give any reasoning to deviate from the said monthly income adopted by a Division Bench and merely adopts the income as per Schedule II. Schedule II is applied in cases where the claim is made under Section 163A of the Act, which proceeds on a 'no fault liability'. In the present case a claim under Section 166 of the Act was preferred and there was negligence found on the driver of the offending vehicle.

6. We are of the opinion that the monthly income of Rs.5,000/- as adopted for the child by the Tribunal is perfectly in order. There is no question of any deduction for personal expenses and hence even if the multiplier adopted is 15, considering the mother's age of 36, the total compensation for loss of dependency would be Rs.7,50,000/-, Rs.30,000 more than that awarded by the Tribunal. Insofar as the loss of love and affection is concerned, the Constitution Bench in ***Pranay Sethi***² permits only Rs.40,000/- each and funeral expenses as rightly reduced by the High Court has to be Rs.15,000/. We find no rationale for the High Court to have deleted the transportation expenses and loss of dress, ornaments and cycle. As rightly awarded by the High Court, loss of estate has to be compensated with Rs.15000/-. Hence, even if just compensation of Rs.80,000 is fixed as loss of filial consortium as applicable to both the parents and the funeral expenses

² (2017) 16 SCC 680

is reduced to Rs.15,000/-, the total compensation would be Rs.8,70,000/- as below:

Sr. No.	Particulars	Amount
1.	Loss of dependency (Rs.5,000/- x 15)	Rs.7,50,000/-
2.	Compensation for filial consortium @ Rs.40,000/- each	Rs. 80,000/-
3.	Funeral expenses	Rs.15,000/-
4.	Loss of Estate	Rs.15,000/-
5.	Transportation expenses	Rs.5,000/-
6.	Loss of dress, ornaments and cycle	Rs.5,000/-
	Total	Rs.8,70,000/-

7. However, there is no appeal from the quantum filed by the claimants. Hence the order of the Tribunal is restored and the appeal is allowed setting aside the order of the High Court. The claimants shall be paid the amounts as awarded by the Tribunal after deducting the amounts already paid or deposited, within a period of

one month from today with interest as directed by the Tribunal or the High Court.

8. Pending application(s), if any, shall stand disposed of.

..... J.
(K. VINOD CHANDRAN)

..... J.
(N.V. ANJARIA)

**NEW DELHI;
AUGUST 08, 2025.**