



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.55 of 2024

1. Thamaraiselvi
W/o.Ramakrishnan
2. Devika
W/o.Suriyanarayanan
3. Vinoth
S/o.Ramakrishnan

..Appellants

Vs

1. S. Muniasamy
W/o.Subbu
2. United India Insurance Co. Ltd.,
Motor Third Party Claims Hub,
Silingi Building, 4th Floor,
No.134, Greams Road, Chennai – 600 006.

..Respondents

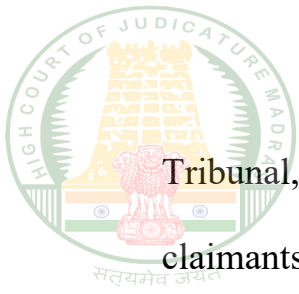
Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 25.04.2023 made in MCOP No.6837 of 2018 on the file of the Motor Accident Claims Tribunal, Special Sub Judge No.2, Small Causes Court, Chennai.

For Appellants : Mr.V.Tamilamudhu

For Respondents : Mrs.I.Malar [R2]

JUDGMENT

This appeal has been filed challenging the judgment dated 25.04.2023 passed in MCOP No.6837 of 2018 on the file of the Motor Accident Claims



Tribunal, Special Sub Judge No.2, Small Causes Court, Chennai, wherein the claimants are seeking enhancement of compensation.

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2. The first claimant is the wife and the claimants 2 and 3 are the children of the deceased Ramakrishnan. The case of the claimants is that on 03.08.2018, the deceased was standing in front of his house and at about 17.00 hours, the offending vehicle, a lorry, was driven in a rash and negligent manner and dashed against the deceased, as a result of which, the deceased sustained fatal injuries and died on the spot. It is under these circumstances, the claim petition came to be filed before the Tribunal.

3. 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 accident had taken place due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered the above finding, the Tribunal proceeded to determine the compensation in the following manner:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of dependency	8,40,000/-
2.	Loss of consortium	1,20,000/-
3.	Loss of estate	15,000/-
4.	Funeral expenses	15,000/-
	Total	9,90,000/-

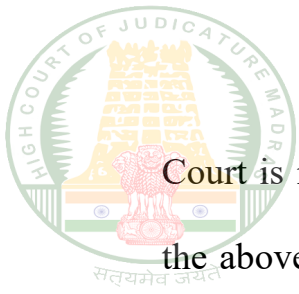


The above compensation was directed to be paid with interest at 7.5% p.a. from the date of petition. Aggrieved by the same, the claimants have filed this appeal seeking enhancement of compensation.

4. Heard learned counsel for appellants and learned counsel for second respondent.

5. The main ground urged by learned counsel for appellants is that the accident has taken place in the year 2018 and the claimants have examined PW-2, who is the employer and salary certificate and working experience certificate [Ex.P6] was marked, which shows that apart from the monthly salary of Rs.15,000/-, the deceased used to get allowance every month on an average of Rs.5,000/-. Learned counsel submitted that this amount ought to have been added and the monthly income should have been fixed at Rs.20,000/-.

6. In the case in hand, the salary certificate was marked as Ex.P6 through PW-2. The same was taken into consideration by the Tribunal and the Tribunal took monthly income only at Rs.15,000/- while fixing compensation under the head 'loss of dependency'. It has been established that the deceased was working as a senior mechanic in a Gas Agency. Therefore, apart from the monthly salary, the deceased would have earned some amount by way of allowance for attending to various repairs/leakages. In view of the same, this



Court is inclined to fix monthly notional income at Rs.16,500/-. In the light of the above discussion, the compensation under the head 'loss of dependency' is calculated as follows:

Monthly Income	:	Rs. 16,500/-
Less: Personal expenses (1/3)	:	Rs. 5,500/-

		Rs. 11,000/-
		x 12

Annual income	:	Rs.1,32,000/-
Multiplier	:	x 7

Loss of income	:	Rs.9,24,000/-

The compensation fixed under the other heads is reasonable and does not require the interference of this Court.

7. In the light of the above discussion, this Court modifies the compensation in the following manner:

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Loss of dependency	8,40,000/-	9,24,000/-
2.	Loss of consortium	1,20,000/-	1,20,000/-
3.	Loss of estate	15,000/-	15,000/-
4.	Funeral expenses	15,000/-	15,000/-
	Total	9,90,000/-	10,74,000/-



8. The compensation awarded by the Tribunal at Rs.9,90,000/- is enhanced to Rs.10,74,000/-. The second respondent insurance company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of six (6) weeks from the date of receipt of this judgment. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

08-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
gm

To
The Motor Accident Claims Tribunal,
Special Sub Judge No.2,
Small Causes Court, Chennai.



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CMA No.55 of 2



N.ANAND VENKATESH, J.

gm

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