



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CMA No. 90 of 2023

1. M.Valli
W/o. Murugan
2. Minor M.Sivasubramanian
S/o. Murugan
3. Minor M.Sivakarthikeyan
S/o. Murugan
4. Minor M. Ranjana
D/o. Murugan

..Appellant(s)

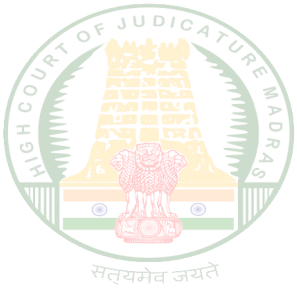
.Vs.

1. G. Senthilkumar
S/o. S.Ganesan, A Sector, PO/PS
Naharlagun,
Arunachal Pradesh-791 110.
- 2.The Branch Manager
National Insurance Company Ltd,
No.110, Jawaharlal Nehru Street,
Puducherry-605 001.

..Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree in MCOP No.36 of 2019 dated 16.09.2022, on the file of the Motor Accident Claims Tribunal (Special District Judge, Villupuram).



For Appellant(s): Ms. Ramya V.Rao

For Respondent(s): Mrs. N.B.Sureka for R2

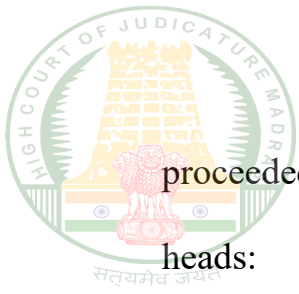
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JUDGMENT

This appeal has been filed against the award passed by the Motor Accident Claims Tribunal (Special District Judge, Villupuram) in MCOP. No.36 of 2019, dated 16.09.2022, wherein the claimants are seeking for enhancement of compensation.

2.The 1st claimant is the wife and the claimants 2 to 4 are the children of the deceased Murugan. The case of the claimants is that the deceased was riding a cycle at Chennai to Trichy bye-pass Road on 24.05.2018 and at about 17.15 hours, the offending vehicle which was a bus, was driven in a rash and negligent manner and it dashed on the bicycle, 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.489 of 2018 against the driver of the bus. 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 evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered such a finding, the Tribunal



proceeded to fix the total compensation at Rs.25,51,200/- under the following heads:

<i>Sl.No</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of Income	23,56,200/-
2.	Funeral Expenses	15,000/-
3.	Damages to cloths	15,000/-
4.	Love and affection (Rs.40,000 x 4)	1,60,000/-
5	Transportation Charges	5,000/-
	Total :	25,51,200/-

The compensation was directed to be paid along with interest at the rate of 7.5% p.a. Aggrieved by the same, the claimants have filed the present appeal seeking for enhancement of compensation.

4.Heard the learned counsel for the appellants and the learned counsel for the 2nd respondent/Insurance Company.

5.This Court has carefully considered the submissions made on either side and the materials available on record. This Court has also went through the award passed by the Tribunal.

6.The main ground that was urged by the learned counsel for the appellants is that the accident had taken place in the year 2018 and the claimants are the wife and the three minor children and whereas the Tribunal had fixed the



‘notional monthly income’ at Rs.11,000/- which is on the lower side.

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7. In the considered view of this Court, the ‘notional monthly income’ fixed by the Tribunal is certainly on the lower side. Hence, this Court is inclined to fix the ‘notional monthly income’ at Rs.15,000/ p.m. Accordingly, the compensation under the head ‘loss of income’ is calculated as follows:

Loss of Income	:	Rs.15,000/-
Add: 40% Future Prospects	:	Rs. 6,000/-

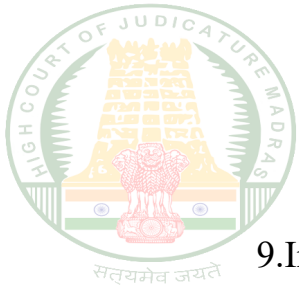
		Rs.21,000/-
		x 12

Annual Income	:	Rs.2,52,000/-
Multiplier	:	x17

		Rs.42,84,000/-
Less: Personal expenses(1/4)		Rs.10,71,000/-

		Rs.32,13,000/-

8. The compensation that has been fixed under the other heads are reasonable and it does not require the interference of this Court.



9. In the light of the above discussion, the compensation fixed by the Tribunal is modified in the following manner:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount awarded by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Loss of Income	23,56,200/-	32,13,000/-
2.	Funeral Expenses	15,000/-	15,000/-
3.	Damages to cloths	15,000/-	15,000/-
4.	Love and affection (Rs.40,000 x 4)	1,60,000/-	1,60,000/-
5	Transportation Charges	5,000/-	5,000/-
	Total :	25,51,200/-	34,08,000/-

10. The compensation awarded by the Tribunal at Rs.25,51,200/- is enhanced to Rs.34,08,000/-. The 2nd respondent/Insurance Company is directed to deposit the enhanced compensation, 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 six (6) weeks from the date of receipt of a copy 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.



costs.

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

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

The Motor Accident Claims Tribunal
(Special District Judge, Villupuram).



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N.ANAND VENKATESH J.

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