



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.2327 of 2026

1. A.Southa
W/o.A.Abdul Salam
2. A.Abdul Salam
S/o.Alibappu
3. A.Mohammed Mufeed
S/o.A.Abdul salam
4. A.Fathima Sahila (Minor)
D/o.A.Abdul Salam
5. A.Mohammed Murshid (Minor)
S/o.A.Abdul Salam
(minors represented by next friend and natural
guardian their mother Appellant No.1)

..Appellants

Vs

1. B.B.S.Hollow Blocks
2/75, East Coast Road,
Uthandi, Chennai 600 119.
2. ICICI Lombard General Insurance Co. Ltd.,
No.84 and 85, Arihant Plaza, First Floor
Wall Tax Road, Chennai-600 003.

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment passed in MCOP No. 3350 of 2023 dated 21.06.2025 on the file of Motor Accidents Claims Tribunal, Chief Judge, Small Causes Court, Chennai.



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For Appellants : Ms.P.T.Saleem Fathima

For Respondents : *Ex parte* [R1]
Mr.S.S.Sajeevkesan [R2]

JUDGMENT

This appeal has been filed by claimants against the award passed in M.C.O.P.No.3350 of 2023 dated 21.06.2025 seeking enhancement of compensation.

2. The first claimant is the mother, the second claimant is the father, claimants 3 to 5 are the siblings of the deceased Husnimukthar, who was aged about 21 years at the time of accident. The case of claimants is that on 07.09.2019, the deceased was riding pillion in a two wheeler at East Coast Road, Chennai and at about 16.50 hours in front of Maritime University, the offending vehicle, a lorry, came in the same direction in a rash and negligent manner and dashed against the rear side of the two wheeler as a result of which the deceased was thrown away from the vehicle and he sustained fatal injuries and he succumbed to the injuries. A First Information Report came to be registered in Crime No.390 of 2019. It is under these circumstances, the claim petition came to be filed before the Tribunal.

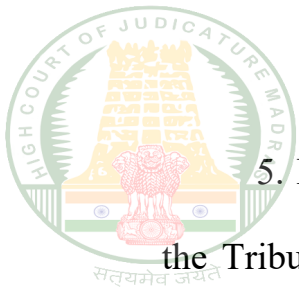


3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered the above finding, the Tribunal proceeded to determine the compensation amount in the following manner:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of income/dependency	22,07,520/-
2.	Loss of consortium	2,00,000/-
3.	Loss of estate	15,000/-
4.	Funeral expenses	15,000/-
5.	Transportation charges	10,000/-
	Total	24,47,520/-
	Rounded off to	24,47,600/-

The above compensation was directed to be paid along with interest at 7.5% p.a. Aggrieved by the same, the present appeal has been filed before this Court by the claimants seeking enhancement of compensation.

4. Heard learned counsel for appellants and learned counsel for second respondent. This Court also considered the materials available on record and carefully went through the award passed by the Tribunal.



5. In the case in hand, the accident had taken place in the year 2019 and the Tribunal, while fixing the compensation, under the head 'loss of income' has fixed the notional income at Rs.14,600/-, which is on the lower side. This Court is inclined to fix notional monthly income at Rs.17,500/-. Accordingly, the compensation under the head 'loss of income' is calculated as follows:

Monthly Income	:	Rs. 17,500/-
Add: 40% future prospects	:	Rs. 7,000/-

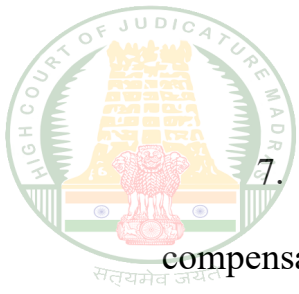
		Rs. 24,500/-
Less: Personal expenses (1/2)	:	Rs. 12,250/-

		Rs. 12,250/-
		x 12

Annual income	:	Rs. 1,47,000/-
Multiplier	:	x 18

Loss of income	:	Rs.26,46,000/-

6. The compensation awarded under the other heads is just and 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 income/dependency	22,07,520/-	26,46,000/-
2.	Loss of consortium	2,00,000/-	2,00,000/-
3.	Loss of estate	15,000/-	15,000/-
4.	Funeral expenses	15,000/-	15,000/-
5.	Transportation charges	10,000/-	10,000/-
6.	Total	24,47,520/-	28,86,000/-
	Rounded off to	24,47,600/-	-

8. The compensation awarded by the Tribunal at Rs.24,47,600/- is enhanced to Rs.28,86,000/-. 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. On such deposit, the appellants/claimants are entitled to withdraw the same on due application. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellants/claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.



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N.ANAND VENKATESH, J.

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

27-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To
The Chief Judge,
Motor Accident Claims Tribunal,
Small Causes Court, Chennai.

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