



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 16-07-2026**

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**THE HON'BLE MR JUSTICE N. ANAND VENKATESH**

**Civil Miscellaneous Appeal No.2202 of 2026**

1. Manjula  
W/o.Late Karthick
2. Minor K. Jeeva  
S/o.Late Karthick
3. Minor K.Sameetha  
D/o.Late Karthick,  
Rep. by their NF/Mother/1 petitioner  
viz., Manjula
4. Saroja  
W/o.Gowran

..Appellants

Vs

1. Kaviyarasan  
S/o.Ganesan
2. G.Mathivanan  
S/o.Ganesan
3. The Manager  
National Insurance Company Ltd.,  
Second Floor, L.R.N. Building No.53,  
Saradha College Road,  
Salem - 636 007.

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment dated 09.04.2025 made in MCOP No.975 of 2021 on the file of the MACT Tribunal, Special District Court, Krishnagiri.

For Appellants : Mr.S.P.Yuaraj  
For Respondents : Mr.S.Senthilkumar [R3]  
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## **JUDGMENT**

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This appeal has been filed against the judgment of the Motor Accident Claims Tribunal, Special District Court, Krishnagiri, passed in M.C.O.P.No.975 of 2021 dated 09.04.2025, wherein the claimants are seeking enhancement of compensation.

2. The first claimant is the wife and claimants 2 and 3 are the minor children and the fourth claimant is the mother of the deceased. The case of the claimants is that on 20.03.2021, the deceased was proceeding in a two wheeler at Krishnagiri to Dharmapuri NH road and at about 14.45 hours when the vehicle was proceeding near the flyover bridge, a pedestrian crossed the road and in order to avoid hitting him, the deceased applied brake and at that point of time, the offending vehicle, a lorry, was driven in a rash and negligent manner and dashed against the two wheeler as a result of which the deceased was thrown out of the two wheeler and the lorry ran over the deceased resulting in his instantaneous death. A First Information Report came to be registered against the driver of the offending vehicle in Crime No.106 of 2021. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking compensation.

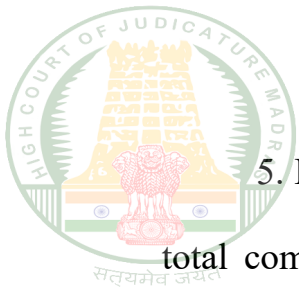


3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered the above finding,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

| <i><b>Sl. No.</b></i> | <i><b>Compensation awarded under the head</b></i> | <i><b>Amount (in Rs.)</b></i> |
|-----------------------|---------------------------------------------------|-------------------------------|
| 1.                    | Loss of dependency                                | 25,70,400/-                   |
| 2.                    | Loss of consortium                                | 1,76,000/-                    |
| 3.                    | Loss of estate                                    | 16,500/-                      |
| 4.                    | Funeral expenses                                  | 16,500/-                      |
|                       | <b>Total</b>                                      | <b>27,79,400/-</b>            |

The Tribunal attributed 5% contributory negligence on the deceased on the ground that the two wheeler was not covered under insurance policy. Accordingly, 5% was deducted and a sum of Rs.26,40,430/- was directed to be paid with interest at 7.5% p.a. Aggrieved by the same, the present appeal has been filed by the claimants seeking enhancement of compensation.

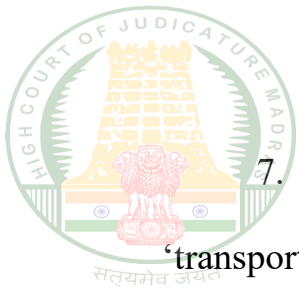
4. Heard learned counsel for appellant and learned counsel for third respondent. This Court also considered the materials available on record and carefully went through the award passed by the Tribunal.



5. In the case in hand, the Tribunal has proceeded to deduct 5% out of the total compensation on the ground that the two wheeler did not have a valid policy. This finding rendered by the Tribunal is unsustainable since on appreciation of evidence, the Tribunal has found that the entire negligence is attributable to the driver of the offending vehicle. Hence, this finding rendered by the Tribunal is set aside.

6. Insofar as compensation is concerned, the Tribunal has fixed the notional income of the deceased at Rs.12,000/-. In the case in hand, the accident had taken place in the year 2021 and the deceased left behind his wife and two minor children and his mother as dependents. Hence, this Court is inclined to fix a sum of Rs.19,000/- as notional monthly income. Thus, the compensation under the head 'loss of dependency' is calculated as follows:

|                               |   |                |
|-------------------------------|---|----------------|
| Monthly Income                | : | Rs. 19,000/-   |
| Add: 40% future prospects     | : | Rs. 7,600/-    |
|                               |   | -----          |
|                               |   | Rs. 26,600/-   |
| Less: Personal expenses (1/4) | : | Rs. 6,650/-    |
|                               |   | -----          |
|                               |   | Rs. 19,950/-   |
|                               |   | x 12           |
|                               |   | -----          |
| Annual income                 | : | Rs. 2,39,400/- |
| Multiplier                    | : | x 17           |
|                               |   | -----          |
| Loss of income                | : | Rs.40,69,800/- |
|                               |   | -----          |



7. The Tribunal has not granted any compensation under the head ‘transport charges’ and hence, this Court is inclined to fix a sum of Rs.10,000/- under such head.

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

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

| <i><b>Sl.No.</b></i> | <i><b>Compensation awarded under the head</b></i> | <i><b>Amount by the Tribunal (in Rs.)</b></i> | <i><b>Amount awarded by this Court (in Rs.)</b></i> |
|----------------------|---------------------------------------------------|-----------------------------------------------|-----------------------------------------------------|
| 1.                   | Loss of dependency                                | 25,70,400/-                                   | 40,69,800/-                                         |
| 2.                   | Loss of consortium                                | 1,76,000/-                                    | 1,76,000/-                                          |
| 3.                   | Loss of estate                                    | 16,500/-                                      | 16,500/-                                            |
| 4.                   | Funeral expenses                                  | 16,500/-                                      | 16,500/-                                            |
| 5.                   | Transport charges                                 | -                                             | 10,000/-                                            |
|                      | <b>Total</b>                                      | <b>27,79,400/-</b>                            | <b>42,88,800/-</b>                                  |

10. The compensation awarded by the Tribunal at Rs.27,79,400/- is enhanced to Rs.42,88,800/-. The third 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



**N.ANAND VENKATESH, J.**

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judgment. On such deposit, the appellants/claimants are entitled to withdraw their respective shares on due application. Insofar as the enhanced compensation of Rs.15,09,400/- is concerned, the appellants/claimants will not be entitled for interest for the period of delay of 149 days as was ordered by this Court in C.M.P.No.3276 of 2026 in C.M.A.Sr.No.13039 of 2026 dated 23.06.2026. 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.

**16-07-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No  
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To  
The MACT Tribunal,  
Special District Court,  
Krishnagiri.

**Civil Miscellaneous Appeal No.2202 of 2026**