



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.2008 of 2026

1.Prathap

2.Prabhu

..Appellants

.VS.

1.J.Lenin Selvakumar

2.The Branch Manager,
The New India Insurance Co., Ltd.,
Bagalur Road, Hosur,
Krishnagiri District.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the order dated 03.10.2023 made in MCOP No.1308 of 2018, on the file of the Special District Court Motor Accident Claims Tribunal, Krishnagiri.

For Appellant : Mr.S.P.Yuvaraj

For Respondent : Mr.J.Chandran for R2



JUDGMENT

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This appeal has been filed against the Award passed by the Special District Court for the Motor Accident Claims Tribunal, Krishnagiri in MCOP No.1308 of 2018 dated 03.10.2023, wherein the claimants are seeking for enhancement of compensation.

2.The claimants are the sons of the deceased Chithrakala. The case of the claimants is that on 16.03.2017, the deceased was travelling in a two wheeler as a pillion rider at Kaveripattinam-Athiganoor Road and at about 17.15 hours, near the Government Higher Secondary School, the offending vehicle which was a car was driven in a rash and negligent manner and it dashed on the two wheeler. As a result of which, the deceased fell down and sustained fatal injuries and died on the spot. An FIR came to be registered in Crime No.83 of 2017 against the driver of the offending vehicle. 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 only due to the rash and negligent driving on the part of the driver of the offending vehicle.



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4. Having rendered the above finding, the Tribunal fixed the total compensation at Rs.7,98,600/- under various heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of Dependency	6,77,600
Loss of Estate	16,500
Funeral Expenses	16,500
Loss of Consortium (Rs.44,000/- x 2)	88,000
Total	7,98,600

5. The above compensation was directed to be paid along with interest at the rate of 7.5% per annum.

6. Aggrieved by the same, the claimant has filed the present appeal seeking for enhancement of compensation.

7. Heard the learned counsel for the appellants and the learned counsel appearing on behalf of the 2nd respondent.

8. Taking into consideration the fact the deceased was a lady who was aged about 52 years and she left behind two sons and the accident had taken



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place in the year 2017, this Court is inclined to fix the notional monthly income at Rs.10,000/- Consequently, the compensation under the head of loss of income is calculated as follows:

$$\text{Rs.11,000/-} - (\text{Rs.10,000/-} + \text{Rs.1,000}(10\%)) \times 12 \times 11 \times 1/3 = \text{Rs.9,68,088/-}$$

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

10.In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of Dependency	9,68,088
Loss of Estate	16,500
Funeral Expenses	16,500
Loss of Consortium (Rs.44,000/- x 2)	88,000
Total	10,89,088

11.The compensation awarded by the tribunal at Rs.7,98,600/- is enhanced to Rs.10,89,088/-. The second respondent insurance company is



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directed to deposit the enhanced compensation of Rs.10,89,088/-, 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 weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.2,90,488/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 351 days as was ordered by this Court in C.M.P.No.21530 of 2025, dated 16.06.2026. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The guidelines issued by the Division Bench of this Court in CMA No.2064 of 2026, dated 08.07.2026 shall be strictly complied with respect to disbursement of the compensation amount to the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

12.In the result, this Civil Miscellaneous Appeals is partly allowed in the above terms. No Costs.

31.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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N. ANAND VENKATESH., J

SSR

To

The Motor Accident Claims Tribunal (IV Court of Small Causes), Chennai.

CMA No.2008 of 2026

31.07.2026