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CMA No. 2174 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No.2174 of 2026

1. Ch. Pullamma

2. Ch.Bangaramma (Died)

(amended as per order made in
MP No.1/2023 order dated 08.03.2022)

3. Ch.Vamsi (minor)

4. Ch. Nirupa (minor)

[Appellants 3 and 4 being minors rep. By their
mother and N.F.Ch.Pullamma)

All are residing at
Rosanaru, Rajupalem,
Nellore District, Andhrapradesh

..Appellant(s)

Vs

1. Karantothu Balaji

2. The Manager,
National Insurance Company Limited,
Third party cell, New No.66, 1st Floor,
Murugesan Naiken Office complex,
Greams Road, Chennai – 600 006

..Respondent(s)

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to enhance the compensation awarded in the Fair and Decreetal order dated 23.07.2024 on the file of the Motor Accident Tribunal, II Judge, Court of Small Cause, Chennai.

For Appellant(s):

Mr.Amar Dineshbhai Pandiya

For Respondent(s)

Mrs.R.Sreevidhya
for R2

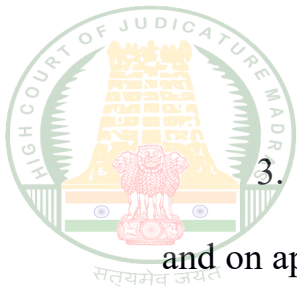


Judgment

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This Civil Miscellaneous Appeal has been filed against the award passed by the Motor Accident Tribunal, II Judge, Court of Small Cause, Chennai in M.C.O.P.No.39 of 2019 dated 23.07.2024 wherein the claimants are seeking for enhancement of compensation.

2. The 1st claimant is the wife, 2nd claimant is the mother and 3rd and 4th claimants are the minor children of the deceased Venkateswaralu. The case of the claimants is that on 14.05.2018, at about 15.00 hours, the deceased Venkateswaralu was riding a two wheeler on the Vedurupattu X Road, the offending vehicle which was a Ashok Leyland goods lorry, was driven in a rash and negligent manner and it hit the two wheeler from behind. As a result of which, the deceased was thrown out of the vehicle and he sustained grievous injuries and succumbed to the same. An FIR came to be registered in Crime No.79 of 2018 against the driver of the lorry. It is under these circumstances, the claim petition came to be filed before the Tribunal.



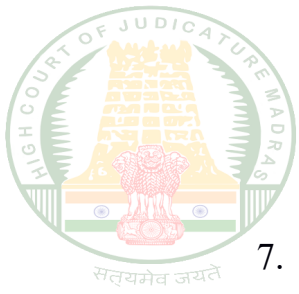
3. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending lorry.

4. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.21,49,572/- under the following heads :-

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of dependency	Rs.19,80,000/-
2.	Loss of Spouse consortium for the 1 st petitioner	Rs.40,000/-
3.	Loss of Parental consortium for the 3 rd and 4 th petitioners	Rs.80,000/-
4.	Funeral expenses	Rs.15,000/-
5.	Loss of estate	Rs.1,000/-
6.	Medical expenses	Rs.95,572/-
	Total	Rs.21,49,572/-

5. The above compensation was directed to be paid with interest at the rate of 7.5% per annum. Aggrieved by the same, the claimants have filed this appeal seeking for enhancement of compensation.

6. Heard Mr.Amar Dineshbhai Pandiya, learned counsel for appellants and Mr.R.Ravichandran, learned counsel for the 2nd respondent.



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7. This Court carefully considered the submissions made on the side of the appellants and the materials available on record.

8. This Court also carefully went through the award passed by the Tribunal.

9. The main ground that was urged by the learned counsel for the appellants is that the tribunal while fixing the loss of dependency took the notional monthly income at Rs.13,700/-, which is on the lower side.

10. In the case in hand, the accident had taken place in the year 2018 and the deceased had left behind his wife, two minor children and his mother. The mother died during the pendency of the claim petition. The deceased was a load man and he was aged about 43 years. Hence, this Court is inclined to fix the notional monthly income at Rs.16,000/- per month. Accordingly, the compensation granted under the head of loss of dependency is calculated as follows :-

Monthly Income	:	Rs. 16,000/-
(+) 25% future prospects	:	Rs. 4,000/-

		Rs. 20,000/-



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Less: Personal expenses (1/3) :	Rs. 6666.66/-

	Rs. 13,333,33 /-
	x 12

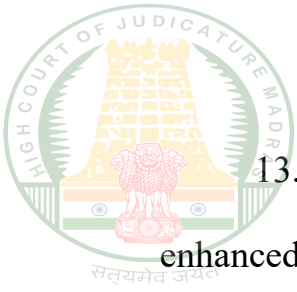
Annual income :	Rs. 1,60,000/-
Multiplier :	x 14

Loss of income :	Rs.22,40,000/-

11. The compensation granted under the other heads is just and reasonable and the same does not require the interference of this Court.

12. 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	Rs.19,18,000/-	Rs.22,40,000/-
2.	Loss of Spouse consortium for the 1 st petitioner	Rs.40,000/-	Rs.40,000/-
3.	Loss of Parental consortium for the 3 rd and 4 th petitioners	Rs.80,000/-	Rs.80,000/-
4.	Funeral expenses	Rs.15,000/-	Rs.15,000/-
5.	Loss of estate	Rs.1,000/-	Rs.1,000/-
6.	Medical expenses	Rs.95,572/-	Rs.95,572/-
	Total	Rs.21,49,572/-	Rs.24,71,572



13. The compensation awarded by the Tribunal at Rs.21,49,572/- is enhanced to Rs.24,71,572/-. The 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 of Rs.3,22,000/- is concerned, the appellants/claimants will not be entitled for interest for the period of delay of days as was ordered by this Court in C.M.P.No.354 of 2026, dated 19.06.2026. 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.

14. In the result, the Civil Miscellaneous Appeal is allowed in the above terms. No costs.

15-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RKA

To

The Motor Accident Tribunal, II Judge, Court of Small Cause, Chennai.



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N.ANAND VENKATESH J.

RKA

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