



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 910 of 2025

1. Sivanandhini
W/o. Late. Arjunan D.No. 3/123 C, Thadikkal
Village, Rathanagiri Post, Denkanikottai Taluk,
Krishnagiri District.
2. Minor Srikanth
S/o. Late. Arjunan D.No. 3/123 C, Thadikkal
Village, Rathanagiri Post, Denkanikottai Taluk,
Krishnagiri District.
3. Minor Anu
D/o. Late. Arjunan D.No. 3/123 C, Thadikkal
Village, Rathanagiri Post, Denkanikottai Taluk,
Krishnagiri District.
Minor 2nd and 3rd Petitioners Rep by Next
Friend /Guardian /Mother 1st Petitioner viz.,
Sivanandhini
4. Pappamma
W/o. Chennappan D.No. 3/123 C, Thadikkal
Village, Rathanagiri Post, Denkanikottai Taluk,
Krishnagiri District.
5. Chennappan
S/o. Karupannan
D.No. 3/123 C, Thadikkal Village, Rathanagiri
Post, Denkanikottai Taluk, Krishnagiri District.
6. Periyasamy (Physically Handicapped person)
S/o. Chennappan D.No. 3/123 C, Thadikkal
Village, Rathanagiri Post, Denkanikottai Taluk,
Krishnagiri District.

..Appellant(s)

Vs



1. Govindasamy
S/o. Muniraj Door No. 2/58, Linganampatti
Village, Koppakkarai Post, Denkanikottai
Taluk, Krishnagiri District 635116.

2. The Divisional Manager
Shriram General Insurance Company Ltd.,
Policy Issuing office at E-8, RIICO Industrial
Area. Sitapura, Jaipur Rajasthan 302022 having
branch office at CSI Church Complex,
Denkanikottai Road, Hosur 635109.

..Respondent(s)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgement and decree dated 15.12.2022 in MCOP No.715/2021 on the file of Special District Court, Krishnagiri.

For Appellant(s): Mr.P. Dinesh Kumar

For Respondent(s): Mr.P.M.Jayachandran For R1
Mrs.R.Sreevidhya For R2

JUDGMENT

This appeal has been filed against the award passed by the Special District Judge, Motor Accident Claims Tribunal, Krishnagiri in M.C.O.P.No.715 of 2021, dated 15.12.2022, wherein the claimants are seeking for enhancement of compensation.

2. The first claimant is the wife, the second and third claimants are the minor children, the fourth and fifth claimants are the parents, and the sixth claimant is the brother of the deceased, Arjunan. The case of the claimants is



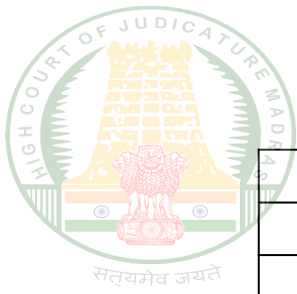
that on 25.01.2021, while the deceased was proceeding in a two-wheeler from Thadikkal – Royakottai, and after purchasing vegetables, he was returning to Thadikkal, at about 7.00 p.m., the offending vehicle which was a Bharat Benz lorry was coming in the opposite direction, was driven in a rash and negligent manner and it dashed against the two-wheeler, As a result of which, the deceased fell down and the lorry ran over his head, resulting in the instantaneous death of the deceased.

3. An FIR was also came to be registered in Crime No.21/2021 against the driver of the offending vehicle. It is under these circumstances, the claim petition came to be filed before the Tribunal.

4. 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.

5. The Tribunal having rendered the above finding fixed the total compensation at Rs.24,39,000/- 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.21,42,000/-
2.	Loss of Estate	Rs.16,500/-



3.	Funeral expenses	Rs.16,500/-
4.	Loss of Consortium (44,000 x 6)	Rs.2,64,000/-
	Total	Rs.24,39,000/-

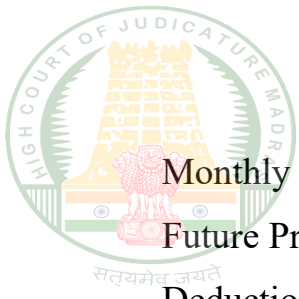
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The above compensation was directed to be paid with interest at the rate of 7.5% per annum. Aggrieved by the same, the present appeal has been filed before this Court seeking for enhancement of compensation.

6. This Court heard Mr.P.Dinesh Kumar, learned counsel appearing on behalf of the appellants – claimants and Mr.P.M.Jayachandran, learned counsel appearing on behalf of the first respondent and Mrs.R.Sreevidhya, learned counsel appearing on behalf of the Insurance Company.

7. The bone of contention is regarding the notional monthly income that was fixed by the Tribunal at Rs.10,000/- for an accident which took place in the year 2021.

8. The deceased was aged about 29 years and he left behind a young wife and two minor children apart from the parents and the dependant brother who is said to be a differently abled person. The accident had taken place in the year 2021, therefore, this Court is inclined to fix a total notional monthly income at Rs.19,000/-. Accordingly, the compensation under the head of loss of dependency is calculated as follows:

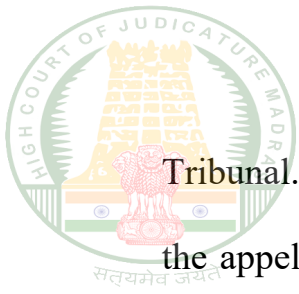


Monthly Income : **Rs.19,000/-**
Future Prospects @ 40% : **Rs.7,600/-** = Rs.26,600/-
Deduction 1/4 towards personal expenses : **Rs.19,950/-**
(Rs.26,600/- (-) Rs.6,650/-)
Annual Income : **Rs.2,39,400/-** (Rs.19,950/- x 12)
Multiplier : **'17'**
Loss of income: **Rs.40,69,800/-** (Rs.2,39,400/- x 17)

9. The compensation granted under the other heads are just and reasonable and it does not require interference by this Court.

<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.21,42,000/-	Rs.40,69,800/-
2.	Loss of Estate	Rs.16,500/-	Rs.16,500/-
3.	Funeral expenses	Rs.16,500/-	Rs.16,500/-
4.	Loss of Consortium	Rs.2,64,000/-	Rs.2,64,000/-
	Total	Rs.24,39,000/-	Rs.43,66,800/-

10. The compensation awarded by the Tribunal at Rs.24,39,000/- is enhanced to Rs.43,66,800/-. The second respondent – Insurance Company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at the rate of 7.5% per annum 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 and on such deposit, the claimants are entitled to withdraw the same on due application as apportioned by the



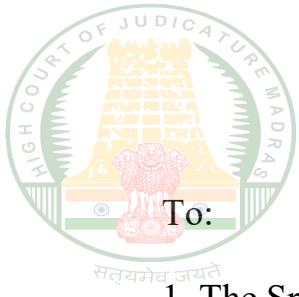
Tribunal. Insofar as the enhanced compensation of Rs.19,27,800/- is concerned, the appellants/claimants will not be entitled for interest for the period of delay of 672 days as was ordered by this Court in C.M.P.No.3010 of 2025 in C.M.A.Sr.No.17038 of 2025 dated 13.03.2025. Insofar as the enhanced compensation 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.

11. 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:

1. The Special District Judge,
Motor Accident Claims Tribunal,
Krishnagiri.

2. The Section Officer,
V.R.Section,
High Court of Madras.



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CMA No. 910 of 2



N.ANAND VENKATESH, J.

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CMA No. 910 of 2025

16-07-2026