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CMA.No.1751 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.1751 of 2022
& CMP Nos.12728 & 12732 of 2022

The Commissioner of Police
Greater Chennai,
Egmore, Chennai-8.

...Appellant

Vs

1. G.Palani
S/o. Govindan,
No.2/14, Indira Nagar,
Somamangalam,
Sriperumbudur Taluk,
Kancheepuram District.
2. G.Manickam
S/o. Govindan,
No.2/14, Indira Nagar,
Somamangalam,
Sriperumbudur Taluk,
Kancheepuram District.
3. G.Mohana
D/o. Govindan,
No.2/14, Indira Nagar,
Somamangalam,
Sriperumbudur Taluk,
Kancheepuram District.

...Respondents

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APPEAL under Section 173 of the Motor Vehicles Act, 1988
against the judgment and decree passed by the Motor Accident
Claims Tribunal/II Special Sub Court, Small Causes Court, Chennai
in MCOP No.6874 of 2017 vide order dated 27.2.2020.

For Appellant:	Mr.B.Karthikeyan, GA for Special Government Pleader (CS)
For Respondents:	Mr.K.Ganesh Babu for R1 to R3

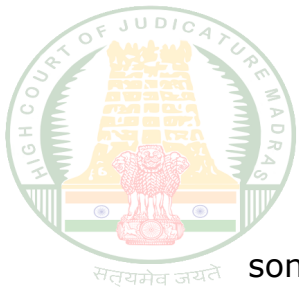
JUDGMENT

This is an appeal filed by the Commissioner of Police
challenging the award dated 27.2.2020 passed in MCOP.No.6874 of
2017 on the file of the Motor Accidents Claims Tribunal/II Special
Sub Court, Small Causes Court, Chennai.

2. Heard the learned Government Advocate appearing on
behalf of the appellant and the learned counsel appearing for the
respondents herein – claimants.

3. The facts leading to filing of this appeal are as follows:

(i) Respondents 1 and 2 herein – claimants 1 and 2 are the



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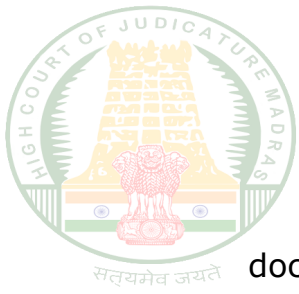
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sons and the third respondent herein – third claimant is the daughter of the deceased – one Mrs.Seethammal.

(ii) The said Mrs.Seethammal, who was aged about 89 years at the relevant point of time, was walking at Nallur Main Road on 23.1.2015 and at about 11 AM, the offending vehicle belonging to the Police Department was said to have been driven in a rash and negligent manner and dashed against her, as a result of which, she sustained grievous injuries. Ultimately, she died on 07.3.2015 at Government Stanley Hospital. It was under those circumstances, the claim petition came to be filed by the respondents herein - claimants before the Tribunal below.

(iii) Before the Tribunal below, on behalf of the appellant, a counter was filed, in which, the stand taken was that the claimants were only second class legal heirs, that they were not entitled to make any claim for payment of compensation and that they were not depending on the deceased Mrs.Seethammal, who was aged 89 years at the time of her death. Accordingly, the appellant sought for dismissal of the claim petition.

(iv) The Tribunal below, on considering the facts and circumstances of the case and on appreciation of the oral and



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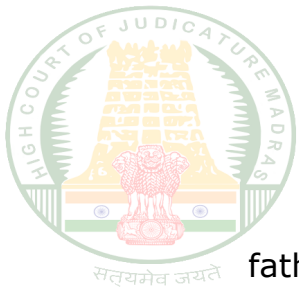
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documentary evidence, came to the conclusion that the accident had taken place due to the rash and negligent driving on the part of the driver of the offending vehicle, which was a tempo traveller. Having rendered the above finding, the Tribunal below fixed a total compensation of Rs.3,80,000/- under the following heads:

<i>S.No.</i>	<i>Head</i>	<i>Amount</i>
1	<i>Loss of dependency</i>	<i>Rs.2,00,000/-</i>
2	<i>Loss of property</i>	<i>Rs. 15,000/-</i>
3	<i>Funeral expenses</i>	<i>Rs. 15,000/-</i>
4	<i>Loss of love and affection</i>	<i>Rs. 30,000/-</i>
5	<i>Loss of parental consortium</i>	<i>Rs.1,20,000/-</i>
		<i>Total Rs.3,80,000/-</i>

(v) The above total compensation was directed to paid with interest at the rate of 7.5% per annum from the date of petition till the date of deposit. Aggrieved by that, the above appeal has been filed before this Court.

4. The main ground that was urged by the learned Government Advocate appearing on behalf of the appellant is that in the first information report (FIR) marked as Ex.P.1, the name of the husband of the deceased was mentioned as Mr.Munusamy whereas the respondents herein – claimants claimed that the name of their



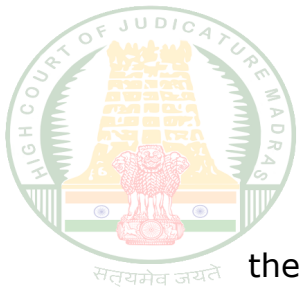
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father was one Mr.Govindan, who was the husband of the deceased Mrs.Seethammal and that the very claim made by the claimants is unsustainable since they failed to establish their relationship with the deceased. He has also relied upon Ex.P.6, which was a clarification given by the Tahsildar concerned to the effect that the deceased Mrs.Seethammal did not marry a person called Mr.Govindan. Therefore, the appellant has taken a stand that the entire claim was unsustainable and that the Tribunal below ought to have rejected the same outright.

5. In so far as the issue of awarding of compensation is concerned, it is submitted on the side of the appellant that the deceased was aged about 89 years at the time of accident, that there is no question of any dependency on her income by respondents herein – claimants and that therefore, the Tribunal below ought not to have fixed any compensation under the head 'loss of dependency'.

6. Per contra, the learned counsel appearing for the respondents herein – claimants has submitted that the claimants are



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the legal heirs of the deceased Mrs.Seethammal, who is none other than their mother and that the total compensation fixed by the Tribunal below is just and proper and does not require the interference of this Court.

7. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned award.

8. In so far as the issue of relationship between the deceased and the claimants are concerned, the Tribunal below took into consideration the legal heirship certificate that was relied upon by the claimants and came to the conclusion that the claimants were none other than the children of the deceased Mrs.Seethammal.

9. Having rendered the above finding, the Tribunal below proceeded to fix the compensation under various heads. In the considered view of this Court, the above finding rendered by the Tribunal below cannot be held to be perverse warranting the interference of this Court.



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10. The fact that in the FIR, the name of one Mr.Munusamy was shown as the husband of the deceased Mrs.Seethammal cannot take away the legal heirship certificate that was given by the Tahsildar concerned and it would show that the husband of the deceased Mrs.Seethammal was Mr.Govindan and that the respondents herein – claimants were their children. Therefore, the relationship of the claimants qua the deceased Mrs.Seethammal cannot be doubted.

11. In so far as the issue of quantum of compensation is concerned, the deceased Mrs.Seethammal was aged about 89 years at the time of accident and in the considered view of this Court, at that stage, she must be dependant on the respondents – claimants. Hence, there is no question of fixing any compensation under the head 'loss of dependency'. Accordingly, the compensation of Rs.2 lakhs fixed by the Tribunal below under the head 'loss of dependency' is liable to be set aside and is, therefore, set aside.

12. The Tribunal below fixed a sum of Rs.30,000/- towards loss of love and affection and another sum of Rs.1,20,000/- towards



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loss of parental consortium. Considering the fact that the respondents - claimants were the children of the deceased Mrs.Seethammal, this Court is inclined to fix a sum of Rs.1,20,000/- (Rs.40,000/- X 3) under the head of loss of parental consortium. The other compensation fixed under the heads 'loss of property' and 'funeral expenses' is sustained.

13. In the light of the above discussions, the total compensation fixed by the Tribunal below is modified by this Court as follows:

<i>S.No</i>	<i>Head</i>	<i>Amount awarded by the Tribunal below</i>	<i>Amount awarded by this Court in this appeal</i>
1	<i>Loss of dependency</i>	<i>Rs.2,00,000/-</i>	<i>----</i>
2	<i>Loss of property</i>	<i>Rs. 15,000/-</i>	<i>Rs. 15,000/-</i>
3	<i>Funeral expenses</i>	<i>Rs. 15,000/-</i>	<i>Rs. 15,000/-</i>
4	<i>Loss of love and affection</i>	<i>Rs. 30,000/-</i>	<i>----</i>
5	<i>Loss of parental consortium</i>	<i>Rs.1,20,000/-</i>	<i>Rs.1,20,000/-</i>
	<i>Total</i>	<i>Rs.3,80,000/-</i>	<i>Rs.1,50,000/-</i>

The above total compensation has to be paid by the appellant along with interest at the rate of 7.5% per annum from the date of petition till the date of deposit.



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14. Accordingly, the above civil miscellaneous appeal is partly allowed by modifying the award dated 27.2.2020 passed by the Tribunal below in MCOP.No.6874 of 2017. There shall be a direction to the appellant to deposit the said sum of Rs.1,50,000/- (Rupees one lakh and fifty thousand only) together with accrued interest at the rate of 7.5% per annum from the date of petition till the date of deposit within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit, the respondents – claimants will be entitled to withdraw the amount along with accrued interest in the proportion fixed by the Tribunal below. No costs. Consequently, the connected CMPs are closed.

06-07-2026

To
The Motor Accident Claims Tribunal/
II Special Sub Court,
Small Causes Court, Chennai

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N.ANAND VENKATESH,J

RS

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