



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.2267 of 2026

1.Palaniyammal

2.Ponnammal

3.Maheswari

4.Sasikala

..Appellants

.vs.

1.N.Ganesan

2.United India Insurance Co., Ltd.,
12-A, Kovai Road, PLA Building, II Floor,
Karur.

3.Sellamuthu

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 04.01.2018 made in MCOP No.209 of 2013, on the file of the Motor Accident Claims Tribunal/Principal District Judge, Namakkal.

For Appellants : Mr.Adhi S. Linkesava for
Mr.C.Thangarasu

For Respondents : Mrs.I.Malar for R2



JUDGMENT

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This appeal has been filed against the Award passed by the MACT, Principal District Judge, Namakkal in MCOP No.209 of 2013 dated 01.01.2018, wherein the claimants have sought for enhancement of compensation.

2.The 1st claimant is the legally wedded wife, the 2nd and 4th claimants are the daughters and the 3rd claimant claims to be the second wife of the deceased Ettikkan.

3.The case of the claimants is that on 21.08.2012, the deceased was walking near Keerambur Association Petrol Bunk and at about 22.15 hours, the offending vehicle which was a TATA ACE mini auto and which is owned by the 2nd respondent was driven in a rash and negligent manner and it dashed against the deceased. As a result of which, the deceased sustained fatal injuries and he succumbed to the injuries. An FIR came to be registered against the driver of the offending vehicle in Crime No.295 of 2012. 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.

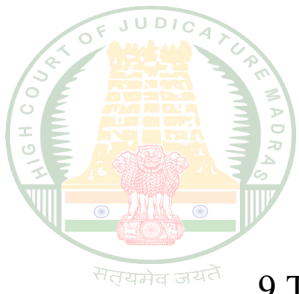
5. Having rendered the above finding, the Tribunal fixed the total compensation at Rs.5,02,000/- under various heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of dependency	4,32,000
Loss of Estate	15,000
Funeral Expenses	15,000
Loss of Consortium	40,000
Total	5,02,000

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

7. Aggrieved by the same, the claimants have filed the present appeal seeking for enhancement of compensation.

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



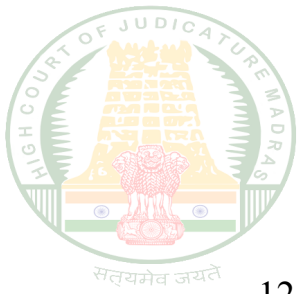
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9. The deceased at the time of his demise was aged about 60 years and the actual dependants are the 1st claimant who is the wife and the 2nd claimant, who is the unmarried daughter. The accident had taken place in the year 2012. The Tribunal had fixed the notional monthly income at Rs.6,000/- without adding any future prospects and determined the compensation under the head of loss of dependency. This Court is inclined to fix the notional monthly income at Rs.8,000/- considering the fact that the accident had taken place in the year 2012 and 10% is to be added towards the future prospects. Accordingly, the compensation under the head of loss of dependency is calculated as follows:

$$\text{Rs.8,800/- (Rs.8000/- + Rs.800/- (10\%))} \times 12 \times 9 \times 2/3 = \text{Rs.6,33,600/-}$$

10. The Tribunal has granted only a sum of Rs.40,000/- under the head of loss of consortium. This Court is inclined to enhance the same to Rs.1,20,000/- (Rs.40,000/- x 3). This Court is also inclined to grant a sum of Rs.10,000/- towards transport expenses.

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

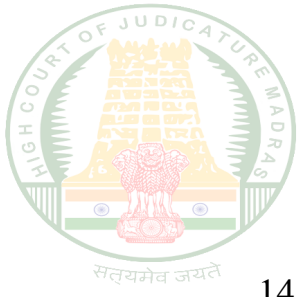


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12. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of dependency	6,33,600
Loss of Estate	15,000
Funeral Expenses	15,000
Loss of Consortium	1,20,000
Transport Expenses	10,000
Total	7,93,600

13. The compensation awarded by the tribunal at Rs.5,02,000/- is enhanced to Rs.7,93,600/-. The second 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 weeks from the date of receipt of this judgment. It is made clear that the pay and recovery ordered by the Tribunal is sustained. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

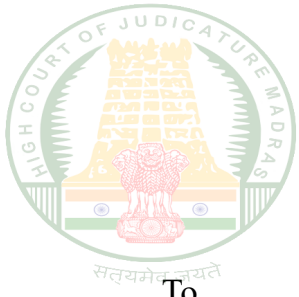


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14. In the result, this Civil Miscellaneous Appeals is partly allowed in the above terms. No Costs.

28.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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The Motor Accident Claims Tribunal/Principal District Judge, Namakkal.



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N. ANAND VENKATESH., J

SSR

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