

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CMA No. 454 of 2024

1. L.Ponni
W/o.V.Loganathan

2.V.Loganathan
S/o.K.Vellai

Appellant(s)

Vs

1. M/s.Fiesta Car Rentals And Logistics
Private Ltd.,
Flat No.2, No.99, LDG Road,
Little Mount, Saidapet,
Chennai-600015.

2.The Manager
United India Insurance Co. Ltd., Silingi
Building, 4th Floor, Motor Third Party
Claims Hub, No.132, Greams Road,
Chennai-600 006.

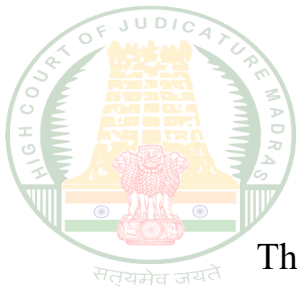
Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the amount awarded in MCOP No.2742/2018 dt. 27.06.2023, on the file of Motor Accident Claims Tribunal, (In the II Court of Small Causes), Chennai.

For Appellant(s): Mr. K.Varadhakamaraj

For Respondent(s): Mrs.I. Malar for R2



JUDGMENT

This appeal has been filed against the award passed by the Motor Accident Claims Tribunal (II Court of Small Causes), Chennai in MCOP No.2742/2018 dated 27.06.2023, wherein the claimants are seeking for enhancement of compensation fixed by the Tribunal.

2.The 1st claimant is the mother and the 2nd claimant is the father of the deceased Saravanan. The case of the claimant is that on 30.11.2017, the deceased was riding a two wheeler at Tambaram to Velachery Main Road and at about 2.20 hours, when the vehicle was near the camp road junction, the offending vehicle which was a car was driven in a rash and negligent manner and dashed on the rear side of the two wheeler, as a result of which, the deceased fell down and suffered serious injuries and succumbed to the injuries in the hospital on 01.12.2018. 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 car. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.23,61,800/- under the following heads:



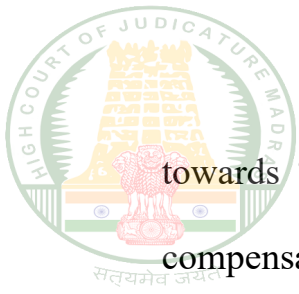
<i>Sl.No</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of dependency	22,84,800/-
2.	Loss of Consortium	44,000/-
3.	Loss of Estate	16,500/-
4.	Funeral Expenses	16,500/-
	Total :	23,61,800/-

The compensation was directed to be paid along with interest at the rate of 7.5% p.a. Aggrieved by the same, the claimants have filed the present appeal seeking for enhancement of compensation.

4.Heard the learned counsel for the appellants and the learned counsel for the 2nd respondent/Insurance Company.

5.This Court has carefully considered the submissions made on either side and the materials available on record. This Court has also went through the award passed by the Tribunal.

6.The main ground that was raised by the learned counsel for the appellants is that the claimants had established that at the time of the accident, the deceased was earning a sum of Rs.18,000/- per month and the same was substantiated through documents marked as Ex.P-6 to Ex.P-9. The other ground that was raised is that the Tribunal had only granted a sum of Rs.44,000/-



towards 'loss of consortium' and whereas both the claimants are entitled for compensation under this head.

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7. In the case in hand, the Tribunal had fixed the 'monthly income' at Rs.16,000/-. Considering the documents that has been marked, it will be more appropriate to fix a sum of Rs.18,000/- as monthly salary. Accordingly, the compensation under the head of 'loss of income' is calculated as follows:

Monthly Income	: Rs.18,000/-
Add: 40% future prospects	:Rs. 7,200/-

	Rs.25,200/-
Less: personal expenses(1/2):	Rs.12,600/-

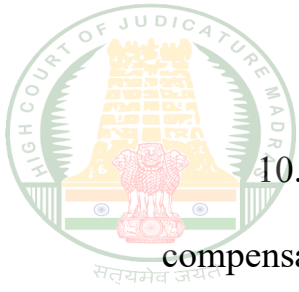
	Rs.12,600/-
	x12

Annual Income	: Rs.1,51,200/-
Multiplier	: x17

Loss of income	: Rs.25,70,400/-

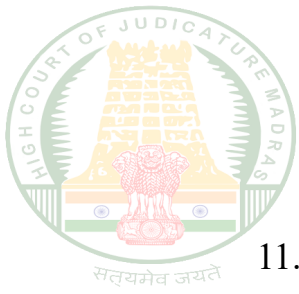
8. Insofar as the 'loss of consortium' is concerned, this Court is inclined to fix a sum of Rs.80,000/- towards 'loss of consortium' [Rs.40,000/- x 2 months].

9. The compensation that has been fixed under the heads 'loss of estate' and 'funeral expenses' are modified as Rs.15,000/- each.



10. 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 awarded by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Loss of dependency	22,84,800/-	25,70,400/-
2.	Loss of Consortium	44,000/-	80,000/-
3.	Loss of Estate	16,500/-	15,000/-
4.	Funeral Expenses	16,500/-	15,000/-
	Total :	23,61,800/-	26,80,400 /-



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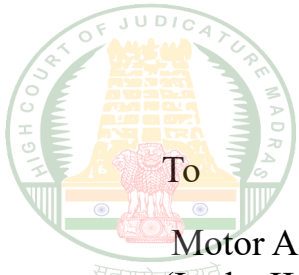
11.The compensation awarded by the Tribunal at Rs.23,61,800/- is enhanced to Rs.26,80,400/-. The 2nd respondent/Insurance Company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at the rate of 7.5% p.a. from the date of claim petition till the date of deposit within a period of six (6) weeks from the date of receipt of a copy of this judgment. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

12.In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

08-07-2026

Index:Yes/No
Speaking/Non-speaking order
Neutral Citation:Yes/No
kp

N.ANAND VENKATESH J.**kp**



To

Motor Accident Claims Tribunal,
(In the II Court of Small Causes), Chennai.

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