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CMA.No.598 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

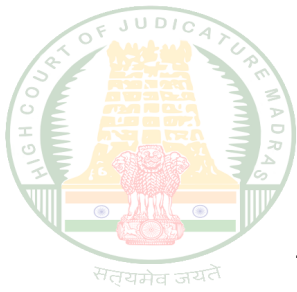
DATED: 20-07-2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

Civil Miscellaneous Appeal No.598 of 2023

1. V.Periyasettu
S/o. Velayutham, No.5, Athiyan Street,
Venkatankuppam, Vadalur, Kurinjpadi
Taluk.
2. V.Settu
S/o. Velayutham, No.5, Athiyan Street,
Venkatankuppam, Vadalur, Kurinjpadi
Taluk.
3. Subbamma
W/o. Velayutham, No.5, Athiyan Street,
Venkatankuppam, Vadalur, Kurinjpadi
Taluk.
4. Muniyappan @ Muniyan
S/o. Velayutham, No.5, Athiyan Street,
Venkatankuppam, Vadalur, Kurinjpadi
Taluk.
5. V.Velu
S/o. Velayutham, No.5, Athiyan Street,
Venkatankuppam, Vadalur, Kurinjpadi
Taluk.
6. V.Arumugam
S/o. Velayutham, No.5, Athiyan Street,
Venkatankuppam, Vadalur, Kurinjpadi



CMA.No.598 of 2023

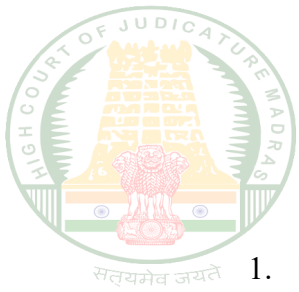
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Taluk.

7. V.Ezhumalai
S/o. Velayutham, No.5, Athiyan Street,
Venkatankuppam, Vadalur, Kurinjpadi
Taluk.
8. V.Velmurugan
S/o. Velayutham, No.5, Athiyan Street,
Venkatankuppam, Vadalur, Kurinjpadi
Taluk.
9. Minor V.Perumal
S/o. Velayutham, No.5, Athiyan Street,
Venkatankuppam, Vadalur, Kurinjpadi
Taluk Rep. by their mother & natural
guardian Subbamma - 3rd petitioner herein
10. Minor V.Siva
S/o. Velayutham, No.5, Athiyan Street,
Venkatankuppam, Vadalur, Kurinjpadi
Taluk Rep.by their mother & natural
guardian Subbamma - 3rd petitioner herein
11. Minor V.Dhivya
D/o. Velayutham, No.5, Athiyan Street,
Venkatankuppam, Vadalur, Kurinjpadi
Taluk Rep.by their mother and natural
guardian Subbamma - 3rd petitioner herein
12. Minor V.Murali
S/o. Velayutham, No.5, Athiyan Street,
Venkatankuppam, Vadalur, Kurinjpadi Taluk
rep.by their mother & natural guardian
Subbamma - 3rd petitioner herein

...Appellants

Vs



CMA.No.598 of 2023

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1. R. Ramesh, S/o. Rajagopal,
No.5, Bhagavathiamman Koil Street,
Cuddalore - 607 001.
2. Reliance General Insurance Company Ltd
Reliance House, 6th Floor, No.6, Haddows
Road, Nungambakkam, Chennai - 600 006.

...Respondents

APPEAL under Section 173 of the Motor Vehicles Act, 1988
against the judgment and decree dated 31.10.2022 made in MCOP.
No.2579 of 2018 on the file of the Motor Accidents Claims Tribunal/I
Additional District & Sessions Judge (FAC), Cuddalore.

For Appellants:	Ms.Ramya V.Rao
For Respondents:	Mr.P.Suresh Srinivasan for R2 R1 - Unclaimed

JUDGMENT

This appeal has been filed by the appellants – claimants
against the award dated 31.10.2022 made in MCOP.No.2579 of
2018 on the file of the Motor Accidents Claims Tribunal/I Additional
District & Sessions Judge (FAC), Cuddalore (for short, the Tribunal
below) wherein the claimants are seeking for enhancement of
compensation.



CMA.No.598 of 2023

WEB COPY

2. Heard the learned counsel for the appellants – claimants and the learned counsel appearing for the second respondent – Insurance Company.

3. Appellants 1 and 2 – claimants 1 and 2 are the children of the first wife; third appellant – third claimant is the second wife; and appellants 4 to 12 – claimants 4 to 12 are the children born to the second wife of one Mr.Velayutham (since deceased).

4. The case of the appellants – claimants is as follows:

(i) On 10.1.2018, the said Mr.Velayutham was walking on the extreme left of Kullanchavadi to Alapakkam Main Road and at about 8.30 PM, the offending vehicle, which was a two wheeler belonging to the first respondent, was driven in a rash and negligent manner and dashed on him, as a result of which, he sustained grievous injuries and later, succumbed to the injuries even on the same day. A first information report in Crime No.10 of 2018 came to be registered on the file of the Station House Officer, Kullanchavadi Police Station. It was under those circumstances, the claim petition came to be filed before the Tribunal below.



CMA.No.598 of 2023

WEB COPY

(ii) The Tribunal below, on considering the facts and circumstances of the case and on appreciation of the oral and documentary evidence, came to the conclusion that the accident took place only due to the rash and negligent driving on the part of the driver of the two wheeler.

(iii) Having rendered the above finding, the Tribunal below fixed the total compensation amount in the following manner:

<i>S.No.</i>	<i>Head</i>	<i>Amount</i>
1	<i>Loss of income</i>	<i>Rs.3,12,000/-</i>
2	<i>Loss of spousal consortium to the third claimant</i>	<i>Rs. 44,000/-</i>
3	<i>Loss of parental consortium to 1, 2 & 4 to 12 claimants (11 X Rs.44,000/-)</i>	<i>Rs.4,84,000/-</i>
4	<i>Funeral expenses</i>	<i>Rs. 33,000/-</i>
5	<i>Transport expenses</i>	<i>Rs. 10,000/-</i>
	<i>Total</i>	<i>Rs.8,83,000/-</i>

(iv) The above total compensation amount was directed to be paid by the second respondent – Insurance Company with interest at the rate of 7.5% per annum from the date of claim petition till payment. Further, the second respondent – Insurance Company was permitted to recover the amount from the first respondent – owner of the vehicle. Aggrieved by that, the appellants – claimants have filed this appeal before this Court.



CMA.No.598 of 2023

WEB COPY

5. 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.

6. The main ground that was urged on the side of the appellants – claimants is that the accident had taken place in 2018, that there are 12 claimants in this case, out of whom, four are minor claimants and that however, the Tribunal below fixed the notional monthly income at Rs.6,500/-, which is on the lower side.

7. Taking into consideration the age of the deceased, who was 70 years at the time of demise and taking note of the number of claimants in this case and also considering the fact that accident took place in the year 2018, this Court is inclined to fix the notional monthly income at Rs.15,000/-. Consequently, the compensation under the head 'loss of income' is calculated as follows:

$$\begin{aligned} & \text{"Rs.15,000/- } \mathbf{minus} \text{ Rs.3,000/- (1/5} \\ & \text{deduction towards personal expenses) =} \\ & \text{Rs.12,000/-;} \\ & \text{Rs.12,000/- } \times \text{ 12 (months) } \times \text{ 5} \\ & \text{(multiplier) = Rs.7,20,000/-."} \end{aligned}$$



CMA.No.598 of 2023

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8. The Tribunal below fixed a sum of Rs.44,000/- under the head 'loss of spousal consortium' and Rs.4,84,000/- under the head 'loss of parental consortium'. These heads are consolidated and this Court is inclined to fix the compensation under the head 'loss of consortium' at Rs.4,80,000/-.

9. The Tribunal below fixed a sum of Rs.33,000/- under the head 'funeral expenses and loss of estate' and this is reduced to Rs.30,000/-. The compensation granted under the head 'transport expenses' is sustained.

10. In the light of the above discussions, the above civil miscellaneous appeal is partly allowed and the award dated 31.10.2022 made in MCOP.No.2579 of 2018 on the file of the Tribunal below is modified as follows:

S.No.	Head	Amount awarded by the Tribunal below	Amount awarded by this Court in this appeal
1	Loss of income	Rs.3,12,000/-	Rs. 7,20,000/-
2	Loss of spousal consortium to the third claimant	Rs. 44,000/-	Rs. 4,80,000/-
3	Loss of parental consortium to 1, 2 & 4 to 12 claimants	Rs.4,84,000/-	(for all the 12 claimants)



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CMA.No.598 of 2023

		(11 X Rs.44,000/-)		
4	Funeral expenses & loss of estate		Rs. 33,000/-	Rs. 30,000/-
5	Transport expenses		Rs. 10,000/-	Rs. 10,000/-
	Total		Rs.8,83,000/-	Rs.12,40,000/-

The second respondent -Insurance Company is directed to deposit the said sum of Rs.12,40,000/- together with accrued interest at the rate of 7.5% per annum from the date of claim petition till payment within six weeks from the date of receipt of a copy of this judgment. It goes without saying that the finding with regard to pay and recovery is confirmed. No costs.

20-07-2026

To

1.The Motor Accidents Claims Tribunal/
I Additional District & Sessions Judge
(FAC), Cuddalore

2.Reliance General Insurance Company
Ltd., Reliance House, 6th Floor, No.6,
Haddows Road, Nungambakkam,
Chennai - 600 006.

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CMA.No.598 of 2023

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CMA.No.598 of 2023

20-07-2026

Page9 of 9