



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 571 of 2024

1. Senthilkumar
S/o Shanmugam, Res at D.N.43-142,
Panjumikaadu, Steel Plant, Salem.
2. Minor Anu Niharika
S/o Senthilkumar, Res at D.N.43-142,
Panjumikaadu, Steel Plant, Salem.
3. Minor Magizh Prahathi
D/o Senthilkumar, Res at D.N.43-142,
Panjumikaadu, Steel Plant, Salem.
4. Minor Kaniyan Poongundran
S/o Senthilkumar, Res at D.N.43-142,
Panjumikaadu, Steel Plant, Salem.
(Minor appellants 2 to 4 represented by their next
friend and natural guardian, their father
Senthilkumar)

..Appellant(s)

Vs

1. K.Paneerselvam
S/o Kandasamy, Prop Rainbow Transports Plot,
No. 78 1/27G-South East Layout Fairlands
Salem.
2. M/s United India Insurance Company Ltd.,
Oriental Theater Complex 77, Arunachala Asari
Street, Salem.

..Respondent(s)

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 seeking to modify the Judgement and Award Dated 03.10.2023 passed in MCOP.No.794 of 2022 (Special District Judge, MCOP



Tribunal, Salem).

WEB COPY

For Appellant(s): Mr.J.Prithivi

For Respondent(s): Mr.J. Michael Visuvasam For R2
R1 - Exparte

JUDGMENT

This appeal has been filed against the award passed by the Special District Judge, Motor Accident Claims Tribunal, Salem in M.C.O.P.No.794 of 2022, dated 03.10.2023, wherein the claimants are seeking for enhancement of compensation.

2. The first claimant is the husband and claimants 2 to 4 are the children of the deceased Kavitha. On 18.05.2022, while the deceased Kavitha was riding a two-wheeler on the Salem to Attur Main Road, the offending vehicle, which was a bus, was driven in a rash and negligent manner and it dashed on the rear side of the two-wheeler and as a result of which, the deceased was thrown out of the vehicle and she was run over by the bus. She sustained fatal injuries and underwent surgeries but ultimately succumbed to the injuries on 01.06.2022. An FIR was also registered against the driver of the bus in Crime No.150/2022. It is under these circumstances, the claim petition came to be filed before the Tribunal.



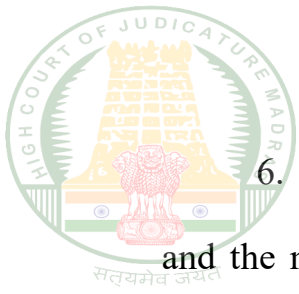
3. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle.

4. The Tribunal having rendered the above finding fixed the total compensation at Rs.23,05,000/- under the following heads:

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of income [10,000 x 12 x 14] – 1/4]	Rs.12,60,000/-
2.	Loss of love and affection (20,000 x 4)	Rs.80,000/-
3.	Loss of consortium	Rs.40,000/-
4.	Medical expenses	Rs.9,00,000/-
5.	Funeral expenses	Rs.25,000/-
	Total	Rs.23,05,000/-

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.

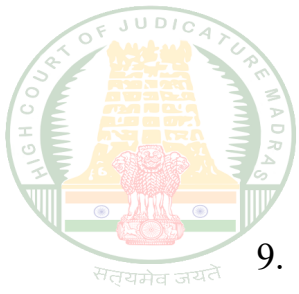
5. This Court heard Mr.J.Prithivi, learned counsel appearing on behalf of the claimants and Mr.J. Michael Visuvasam, learned counsel appearing on behalf of the second respondent – Insurance Company.’



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

7. The main grounds that have been raised in this appeal are that, as per Ex.P2, the Postmortem Certificate, and Ex.P5, the Aadhar card, the age of the deceased was only 32 years. But however, the Tribunal had taken the age of the deceased as 42 years and applied the wrong multiplier and also the wrong percentage towards future prospects. The next ground is that the medical bills were marked as Ex.P17 to the extent of Rs.10,43,212/-. But however, the Tribunal, without assigning any reasons, reduced the same to Rs.9,00,000/- The third ground raised is that the Tribunal fixed the monthly income of the deceased at Rs.10,000/- while determining the compensation under the head of loss of income, and the same is on the lower side. The last ground raised is that no compensation has been granted under the head of transport charges.

8. In the case in hand, the Postmortem Certificate as well as the Aadhar Card, which were marked as Ex.P2 and Ex.P5, shows that the age of the deceased as 32 years. The Tribunal erroneously took the age of the deceased as 42 years. Hence, the same requires interference by this Court. Consequently, the appropriate multiplier must be adopted and the appropriate percentage towards future prospects must be added to the monthly income.



9. Insofar as the monthly income that was fixed by the Tribunal is concerned, it is certainly on the lower side. Even in the absence of any evidence to establish the monthly income of the deceased, she can be taken to be a house wife and a sum of Rs.20,000/- can be fixed towards her notional monthly income.

10. In the light of the above discussion, the compensation under the head of loss of income is calculated as follows:

Monthly Income : **Rs.20,000/-**
Future Prospects @ 40% : **Rs.8,000/-** = Rs.28,000/-
Deduction 1/4 towards personal expenses : **Rs.21,000/-**
(Rs.28,000/- (-) Rs.7,000/-)
Annual Income : **Rs.2,52,000/-** (Rs.21,000/- x 12)
Multiplier : **'16'**
Loss of income : **Rs.40,32,000/-** (Rs.2,52,000/- x 16)

11. The Tribunal has granted a sum of Rs.9,00,000/- towards medical expenses. Ex.P17 shows that the total medical expenses incurred was Rs.10,43,412/-. There is no reason as to why the entire amount should not be granted. Hence, this Court is inclined to fix a sum of Rs.10,43,412/- towards medical expenses.

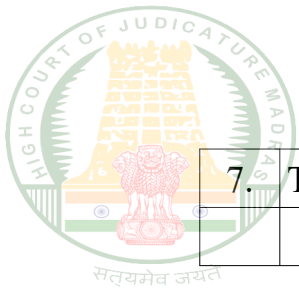


12. The next issue pertains to the non-grant of compensation under the heads of 'Loss of Estate' and 'Transport Charges'. The Tribunal has granted a sum of Rs.25,000/- towards funeral expenses and the same is reduced to Rs.15,000/-. A sum of Rs.15,000/- is fixed under the head of 'Loss of Estate'. A sum of Rs.10,000/- is fixed under the head of 'Transport Charges'.

13. The last issue pertains to the compensation fixed under the heads of 'Loss of Love and Affection' and 'Loss of Consortium'. The Tribunal had fixed only a sum of Rs.1,20,000/- in total. This Court is inclined to consolidate the same and grant compensation under the head of 'Loss of Consortium' at Rs.1,60,000 (4 x Rs.40,000/-).

14. In the light of the above discussion, the award passed by the Tribunal is modified as follows:

<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 income	Rs.12,60,000/-	Rs.40,32,000/-
2.	Loss of Love and affection	Rs.80,000/-	---
3.	Loss of consortium	Rs.40,000/-	Rs.1,60,000/-
4.	Medical expenses	Rs.9,00,000/-	Rs.10,43,412/-
5.	Funeral expenses	Rs.25,000/-	Rs.15,000/-
6.	Loss of estate	---	Rs.15,000/-



7.	Transport expenses	---	Rs.10,000/-
	Total	Rs.23,05,000/-	Rs.52,75,412/-

WEB COPY

15. The compensation awarded by the Tribunal at Rs.23,05,000/- is enhanced to Rs.52,75,412/-. 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 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.

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

15-07-2026

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

To:

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

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



WEB COPY

CMA No. 571 of 2



N.ANAND VENKATESH, J.

SSI

CMA No. 571 of 2024

15-07-2026