



WEB COPY

CMA No. 2187 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 2187 of 2026

1. Roobi

2. Minor Anitha

D/o.Senthilkumar

3. Minor Aruna

D/o.Senthilkumar

4. Mariyammal

W/o.Munusamy

..Appellant(s)

Vs

1. Murali Bus Service

No.63, Trichy Main Road,
Salem – 1

2. M/s.United India Insurance Co. Ltd.,

Office at No.77, Oriental Complex
AA Street, Salem -1

..Respondent(s)

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 to enhance the compensation amount made in order dated 08.01.2024 made in M.C.O.P.No.90 of 2019 on the file of the Special District Court, MCOP Tribunal at Salem.

For Appellant(s):

Mr.S.P.Yuvaraj

For Respondent(s)

Dr.C.Paranthaman
for R2



Judgment

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This Civil Miscellaneous Appeal has been filed against the award passed by the Special District Court, Motor Accident Claims Tribunal, Salem, in MCOP No.90 of 2019 wherein the claimants are seeking for enhancement of compensation.

2. The 1st claimant is the wife, 2nd and 3rd claimants are the minor daughters and 4th claimant is the mother of the deceased Senthil Kumar. The case of the claimants is that on 10.02.2019, at about 14.30 hours, the deceased Senthil Kumar was riding a two wheeler on the Sankari – Salem main road, the offending vehicle which was a bus, was driven in a rash and negligent manner and it hit the two wheeler from behind. As a result of which, the deceased was thrown out of the vehicle and he sustained fatal injuries and succumbed to the same. An FIR came to be registered in Crime No.74 of 2019. 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 bus.

4. Having rendered such a finding, the Tribunal proceeded to fix the



total compensation at Rs.14,15,000/- under the following heads :-

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<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of Income	R.12,60,000/-
2.	Loss of love and affection	R.80,000/-
3.	Loss of Consortium	Rs.40,000/-
4.	Medical expenses	Rs.10,000/-
5.	Funeral expenses	Rs.25,000/-
	Total	Rs.14,15,000/-

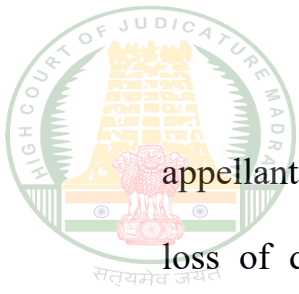
5. The above compensation was directed to be paid with interest at the rate of 7.5% per annum. Aggrieved by the same, the claimants have filed this appeal seeking for enhancement of compensation.

6. Heard Mr.S.P.Yuvaraj, learned counsel for appellants and Dr.C.Paranthaman, learned counsel for the 2nd respondent.

7. This Court carefully considered the submissions made on the side of the appellant and the materials available on record.

8. This Court also carefully went through the award passed by the Tribunal.

9. The main ground that was urged by the learned counsel for the



appellant is that the Tribunal while fixing the compensation under the head of loss of dependency, fixed the notional monthly income of the deceased at Rs.10,000/- including future prospects for an accident that occurred in the year 2019 and that the same is on the lower side.

10. In the present case, the accident took place in the year 2019, the deceased was aged about 43 years and he left behind his wife, two minor children and his mother. The Tribunal has fixed the notional monthly income at Rs.10,000/- which is on the lower side. Therefore, this Court is inclined to fix the notional monthly income at Rs.17,000/- and also add 25% towards future prospects. Accordingly, the compensation under the head of dependency is calculated as follows:-

Monthly Income	:	Rs. 17,000/-
Add:25% future prospects	:	Rs. 4,250/-

		Rs. 21,250/-
Less: Personal expenses (1/4)	:	Rs. 5312.50/-

		Rs. 15,937.50/-
		x 12

Annual income	:	Rs. 1,91,250/-
Multiplier	:	x 14

Loss of income	:	Rs.26,77,500/-



11. The compensation granted under the head of funeral expenses is reduced from Rs.25,000/- to Rs.15,000/-.

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12. The Tribunal has not granted any compensation under the head of loss of estate and this Court is inclined to fix a sum of Rs.15,000/- under the said head.

13. Insofar as the compensation awarded under the heads of loss of love and affection and loss of consortium is concerned, this Court is inclined to consolidate the same under the head of loss of consortium and award a sum of Rs.40,000/- each to the four claimants, totalling Rs.1,60,000/- (Rs.40,000 × 4).

14. The compensation granted under the other heads is just and reasonable and the same does not require the interference of this Court.

15. 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 by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Loss of Income	Rs.12,60,000/-	Rs.26,77,500/-
2.	Loss of love and affection	R.80,000/-	



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3.	Loss of Consortium	Rs.40,000/-	Rs.1,60,000/-
4.	Medical expenses	Rs.10,000/-	Rs.10,000/-
5.	Funeral expenses	Rs.25,000/-	Rs.15,000/-
6	Loss of estate		Rs.15,000/-
	Total	Rs.14,15,000/-	Rs.28,77,500/-

16. The compensation awarded by the Tribunal at Rs.14,15,000/- is enhanced to Rs.28,77,500/-. The 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 (6) weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.14,62,500/- is concerned, the appellants/claimants will not be entitled for interest for the period of delay of days as was ordered by this Court in C.M.P.No.6199 of 2026, dated 23.06.2026. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

17. In the result, the Civil Miscellaneous Appeal is allowed in the above terms. No costs.

15-07-2026

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

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N.ANAND VENKATESH J.

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To
The Special District Court, Motor Accident Claims Tribunal, Salem

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