



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.2223 of 2026

S.Gunasekaran
S/o.Sanmugam

..Appellant

Vs

1. J.Vasudevan
S/o.Janarthanan

2. M/s.United India Insurance Co. Ltd.,
(Polur) having Office at
TPHUB, 104-A,
Ranga Building,
Peramanur Main Road,
Near Four Roads, Salem.

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment dated 02.02.2023 passed in MCOP.No.38 of 2021 on the file of the Special District Court, MCOP Tribunal at Salem.

For Appellant : Mr.S.P.Yuaraj
For Respondents : *Ex parte* [R1]
Mr.D.Venkatachalam [R2]

JUDGMENT

This appeal has been filed against the judgment of the Special District Court, MCOP Tribunal, Salem, dated 02.02.2023 passed in MCOP.No.38 of 2021, wherein the claimant is seeking enhancement of compensation.



2. The case of the claimant is that the deceased Jagathesvari was travelling along with her family members in a car belonging to the first respondent at Tiruvannamalai 100 feet bypass road and the car was driven in a rash and negligent manner as a result of which, it capsized and the claimant's wife sustained fatal injuries and succumbed to the injuries. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking compensation.

3. The Tribunal on considering the facts and circumstances of the case and on appreciation of materials before it, 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 the above finding, the Tribunal fixed total compensation of Rs.7,57,000/- under the following heads:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of income	6,72,000/-
2.	Loss of love and affection	20,000/-
3.	Loss of consortium	40,000/-
4.	Funeral expenses	25,000/-
	Total	7,57,000/-

The above compensation was directed to be paid along with interest at 7.5% p.a. from the date of petition. Aggrieved by the same, the present appeal has been filed seeking enhancement of compensation.



4. Heard learned counsel for appellant and learned counsel for second respondent. This Court also considered the materials available on record and carefully went through the award passed by the Tribunal.

5. In the case in hand, the appellant lost his wife. The accident had taken place in the year 2020 and at the time of demise, the appellant's wife was aged about 41 years. The Tribunal has fixed notional monthly income at Rs.10,000/- including future prospects. It is certainly on the lower side. This Court is inclined to fix notional monthly income at Rs.20,000/- and 25% towards future prospects shall be added. Accordingly, the compensation under the head 'loss of income' is calculated as follows:

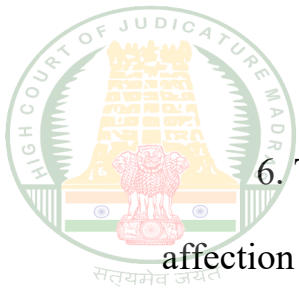
Monthly Income	:	Rs. 20,000/-
Add: 25% future prospects	:	Rs. 5,000/-

		Rs. 25,000/-
Less: Personal expenses (1/2)	:	Rs. 12,500/-

		Rs. 12,500/-
		x 12

Annual income	:	Rs.1,50,000/-
Multiplier	:	x 14

Loss of income	:	Rs.21,00,000/-

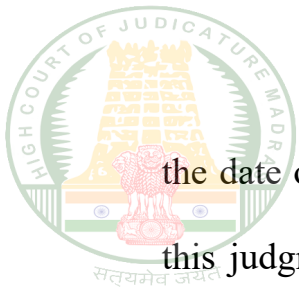


6. The Tribunal has granted a sum of Rs.20,000/- towards loss of love and affection and Rs.40,000/- towards loss of consortium. This Court is inclined to consolidate the same and award a sum of Rs.40,000/- under one head 'loss of consortium'. The Tribunal has granted Rs.25,000/- towards funeral expenses, the same is reduced to Rs.15,000/-. The Tribunal has not granted any compensation under the head 'loss of estate' and hence, this Court is inclined to grant a sum of Rs.15,000/- towards loss of estate.

7. 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	6,72,000/-	21,00,000/-
2.	Loss of love and affection	20,000/-	-
3.	Loss of consortium	40,000/-	40,000/-
4.	Funeral expenses	25,000/-	15,000/-
5.	Loss of estate	-	15,000/-
	Total	7,57,000/-	21,70,000/-

8. The compensation awarded by the Tribunal at Rs.7,57,000/- is enhanced to Rs.21,70,000/-. 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 (6) weeks from the date of receipt of this judgment. On such deposit, the appellant/claimant is entitled to withdraw the same on due application. Insofar as the enhanced compensation of Rs.14,13,000/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 1014 days as was ordered by this Court in C.M.P.No.7804 of 2026 in C.M.A.Sr.No.34856 of 2026 dated 29.06.2026. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellant/claimant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

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

20-07-2026

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

To
The Special District Court,
MCOP Tribunal, Salem.



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CMA No.2223 of 2



N.ANAND VENKATESH, J.

gm

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