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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2026

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.973 of 2026

1.Santhi
2.D.Dhineshkumar
3.Nandhini
4.Sarasu

..Appellants

.vs.

The District Collector,
Namakkal District Collector Office,
Namakkal town, Taluk and District.

..Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the order in MCOP No.1358 of 2018 dated 28.03.2023, on the file of the Special District Judge, MCOP Tribunal at Salem.

For Appellants : Mr.T.S.Arthanareeswaran

For Respondent : Mrs.S.Yogalakshmi
Additional Government Pleader

JUDGMENT

This appeal has been filed challenging the Award passed by the MACT, Special District Judge, Salem in MCOP No.1358 of 2018 dated 28.03.2023,



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wherein, the appellants/claimants have sought for enhancement of compensation.

2.The 1st appellant is the wife, the 2nd and 3rd appellants are the children and the 4th appellant is the mother of the deceased Dhanapal. They filed the claim petition on the ground that on 19.05.2018, the deceased Dhanapal was riding the two wheeler at Thiruchengode-Rasipuram main road and at about 19.45 hours, the offending vehicle which was a jeep belonging to the respondent was driven in a rash and negligent manner and it hit the two wheeler. As a result of which, the deceased was thrown out of the vehicle and he succumbed to the injuries. 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. Having rendered the above finding, the Tribunal fixed the total compensation of Rs.13,61,000/- under various heads as follows:



Compensation awarded under the head	Amount (in Rs.)
Loss of Income [(8,000x12x13)=12,48,000 – ¼ (3,12,000) =	9,36,000
Loss of Love and Affection (2000 x 4)	80,000
Loss of Consortium	40,000
Medical Expenses	2,80,000
Funeral Expenses	25,000
Total	13,61,000

4.The above compensation was directed to be paid along with interest at the rate of 7.5% per annum in the proportion fixed by the Tribunal.

5.Aggrieved by the same, the claimants have filed the present appeal before this Court seeking for enhancement of compensation.

6.Heard Mr.T.S.Arthanareewaran, learned counsel appearing on behalf of the appellants and Mrs.S.Yogalakshmi, learned Additional Government Pleader appearing on behalf of the respondent.

7.In the case in hand, even though, the claimants contended that the deceased was earning a monthly income of Rs.50,000/- as a mason and building contractor, there was no proof of income. Therefore, the court below

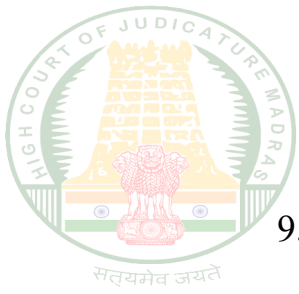


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has fixed the notional monthly income at Rs.10,000/-. Considering the fact that accident had taken place in the year 2018 and also taking note of the fact that there are four dependents and the deceased is said to have carried on the avocation as a mason, this court is inclined to fix a monthly income of Rs.18,000/- per month. In view of the same, the compensation under the head of loss of income is calculated as follows:

Monthly Income	:	Rs.18,000/-
Add:25% Future Prospects	:	<u>Rs. 4,500/-</u>
		Rs.22,500/-
Less: Personal expenses (1/4)	:	<u>Rs.5,625/-</u>
(Rs.22,500/- - Rs.5,625)	:	Rs.16,875/-
		<u> x 12</u>
Annual Income	:	Rs.2,02,500
Multiplier	:	<u> x 13</u>
Loss of Income	:	<u>Rs.26,32,500</u>

8.The Tribunal has fixed compensation of a sum of Rs.80,000/- under the head of loss of love and affection and Rs.40,000/- under the head of loss of consortium. Both these heads can be consolidated and a sum of Rs.1,60,000/- (Rs.40,000 x 4) can be fixed under the head of loss of consortium.

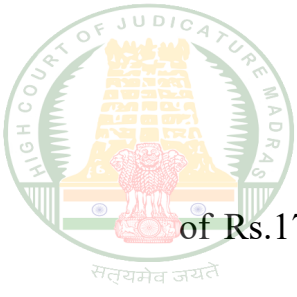


9.The compensation fixed under the other heads are fair and reasonable and it does not require the interference of this Court.

10.In the light of the above discussion, the compensation fixed by the Tribunal is modified as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of Income	26,32,500
Loss of Love and Affection and Loss of Consortium	1,60,000
Medical Expenses	2,80,000
Funeral Expenses	25,000
Total	30,97,500

11.The compensation awarded by the tribunal at Rs.13,61,000/- is enhanced to Rs.30,97,500/-. The respondent is directed to deposit the enhanced compensation of Rs.17,36,500/-, 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 weeks from the date of receipt of this judgment. On such deposit, the appellants/claimants shall withdraw the same in the proportion fixed by the Tribunal. Insofar as the enhanced compensation



of Rs.17,36,500/- is concerned, the appellants/claimants will not be entitled for interest for the period of delay of 814 days as was ordered by this Court in C.M.P.No.6883 of 2026, dated 26.03.2026. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

12.This Civil Miscellaneous Appeal is Partly Allowed in the above terms. No Costs.

01.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
ssr

To

1.The District Collector,
Namakkal District Collector Office,
Namakkal town, Taluk and District.

2.The Special District Judge, MCOP Tribunal at Salem.



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N. ANAND VENKATESH., J

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