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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-08-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CMA No. 2519 of 2026

1. E.Kumari

2. E. Bhuvaneswari

3. R. Rasathi

Appellant(s)

Vs

1. S. Anierudh

2.Universal Sompo General Insurance Co.Ltd.,

Plot No.EL94, TTC Industrial Area,
MIDC Mahape Navi, Mumbai 400 710.

Respondent(s)

PRAYER Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the Decree and Judgement dated 10.01.2024 made in MCOP.No.6628 of 2019, on the file of Motor Accident Claims Tribunal (Chief Judge, Court of Small Causes, Chennai).

For Appellant(s): K.Varadhakamaraj

For Respondent(s): Mrs.R.Sreevidhya for R2

ORDER

This appeal has been filed against the Award passed by the Motor Accident Claims Tribunal/Chief Judge, Court of Small Causes, Chennai in



MCOP No.6628 of 2019 dated 10.01.2024, wherein the claimants are seeking for enhancement of compensation.

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2.The 1st claimant is the wife, the 2nd claimant is the unmarried daughter and the 3rd claimant is the mother of the deceased Elangovan. The case of the claimant is that on 15.10.2019 at about 07.30 a.m., the deceased was trying to cross the Rajiv Gandhi Salai, and at that point of time, the offending vehicle, which was a two wheeler was driven in a rash and negligent manner and it dashed on the deceased. As a result of which, the deceased sustained fatal injuries and he died on the spot. An FIR came to be registered in Crime No.639 of 2019 against the rider of the two wheeler. 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 rider of the two wheeler.

4.Having rendered the above finding, the Tribunal fixed the total compensation at Rs.21,10,000/- under various heads as follows:



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Compensation awarded under the head	Amount (in Rs.)
Loss of Income/Dependency	19,50,000
Loss of Estate	15,000
Loss of Consortium	1,20,000
Funeral Expenses	15,000
Transportation Charges	10,000
Total	21,10,000

5.The above compensation was directed to be paid along with interest at the rate of 7.5% per annum.

6.Aggrieved by the same, the claimants have filed the present appeal seeking for enhancement of compensation.

7.Heard the learned counsel for the appellant and the learned counsel appearing on behalf of the 2nd respondent.

8.The bone of contention is regarding the notional monthly income that was fixed by the Tribunal while fixing the compensation under the head of loss of income/dependency. The accident had taken place during October 2019 and the deceased had left behind his wife, unmarried daughter and his mother. Considering the same, this Court is inclined to fix the notional monthly income



at Rs.17,000/- per month. Consequently, the compensation under the head of loss of income/dependency is calculated as follows:

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$$\text{Rs.21,250 (Rs.17,000 + Rs.4,250/- (25\%))} \times 12 \times 13 \times 2/3 = \text{Rs.22,10,000/-}$$

9.The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

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

Compensation awarded under the head	Amount (in Rs.)
Loss of Income/Dependency	22,10,000
Loss of Estate	15,000
Loss of Consortium	1,20,000
Funeral Expenses	15,000
Transportation Charges	10,000
Total	23,70,000

11.The compensation awarded by the tribunal at Rs.21,10,000/- is enhanced to Rs.23,70,000/-. The second respondent insurance company is directed to deposit the enhanced compensation of Rs.23,70,000/-, less the amount already deposited, together with interest at the rate of 7.5% p.a. from the date of claim petition till the date of deposit within a period of four weeks



from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.2,60,000/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 596 days as was ordered by this Court in C.M.P.No.7078 of 2026, dated 07.07.2026. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The guidelines issued by the Division Bench of this Court in CMA No.2064 of 2026, dated 08.07.2026 shall be strictly complied with respect to disbursement of the compensation amount to the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

12.In the result, this Civil Miscellaneous Appeal is partly allowed in the above terms. No Costs.

07-08-2026

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



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N.ANAND VENKATESH J.

SSR

To

The Motor Accident Claims Tribunal (Chief Judge, Court of Small Causes,
Chennai).

CMA No. 2519 of 2026

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