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CMA.No.935 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

CORAM

THE HON'BLE MR JUSTICE N.ANAND VENKATESH

Civil Miscellaneous Appeal No.935 of 2023

1. Mrs.V.Ambika, W/o Velayudham,
Residing at No.43/B2, Baba Kovil
Street, Saamiyar Gate, Maraimalai
Nagar, Kancheepuram.

2. Mrs.P.Meera, W/o Parthiban,
Residing at 43/B2, Baba Kovil
Street, Saamiyar Gate, Maraimalai
Nagar, Kancheepuram.

...Appellants

Vs

1. Mrs.J.Gejalakshmi, W/o Bala,
Residing at No.43/B2, Baba Kovil
Street, Saamiyar Gate, Maraimalai
Nagar, Kancheepuram.

2. Mrs.Suriya Prabha, W/o Manogaran,
O.No.102D, N.No.172, Jawaharlal Road,
Sivakasi 626 123

3. The Manager, New India Assurance Co. Ltd.,
Motor Third Party Hub, No.45, Moor Street,
Chennai 600 001.

...Respondents



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APPEAL under Section 173 of the Motor Vehicles Act, 1988
against the judgment and decree dated 24.11.2022 made in MCOP
No.2603 of 2015 on the file of the Motor Accident Claims Tribunal
(VI Judge, Small Causes Court), Chennai.

For Appellants:	Mr.S.Ram Prabhu for Mr.V.Tamilamudhu
For Respondents:	Mr.J.Chandran for R3 R1 – Tapal returned with endorsement 'No Such Person' R2 – served and no appearance

JUDGMENT

This appeal has been filed by the appellants – claimants 1 and 2 against the award dated 24.11.2022 made in MCOP.No.2603 of 2015 on the file of the Motor Accident Claims Tribunal (VI Judge, Small Causes Court), Chennai (for short, the Tribunal below) wherein they are seeking for enhancement of compensation.

2. Heard the learned counsel for the appellants – claimants 1 and 2 and the learned counsel appearing for the third respondent – Insurance Company.



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3. The case of the appellants – claimants 1 and 2 is as follows:

(i) The appellants – claimants 1 and 2 and the first respondent herein are the daughters of one Mr.D.Jegannathan (since deceased).

(ii) When the said Mr.D.Jegannathan was waiting near a petrol bunk at Maraimalai Nagar, GST Road in order to cross the road on 30.12.2014, at about 11.10 AM, the offending vehicle, which was a car, was driven in a rash and negligent manner and dashed on him, as a result of which, he sustained fatal injuries and succumbed to the injuries on 06.2.2015. A first information report came to be registered in Crime No.883 of 2014 on the file of Maraimalai Nagar Police Station, Kanchipuram District against the driver of the offending vehicle. It was under those circumstances, the claim petition came to be filed before the Tribunal below. The second respondent is the owner of the offending vehicle and the third respondent is its insurer.

(iii) The Tribunal below, on considering the facts and circumstances of the case and on appreciation of the oral and documentary evidence, came to the conclusion that the accident took place only due to the rash and negligent driving on the part of the driver of the offending vehicle.



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(iv) Having rendered the above finding, the Tribunal below fixed the total compensation amount in the following manner:

<i>S.No.</i>	<i>Head</i>	<i>Amount</i>
1	<i>Loss of dependency</i>	<i>Rs.5,60,000/-</i>
2	<i>Loss of parental consortium</i>	<i>Rs.1,20,000/-</i>
3	<i>Loss of estate</i>	<i>Rs. 15,000/-</i>
4	<i>Funeral expenses</i>	<i>Rs. 15,000/-</i>
	<i>Total</i>	<i>Rs.7,10,000/-</i>

(v) The above total compensation amount was directed to be paid by the third respondent – Insurance Company together with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit. Aggrieved by that, the above appeal has been filed before this Court by the appellants – claimants 1 and 2 seeking for enhancement of compensation.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned award.

5. The bone of contention is with regard to the notional monthly income fixed by the Tribunal below at Rs.10,000/- while calculating the compensation under the head 'loss of dependency'.



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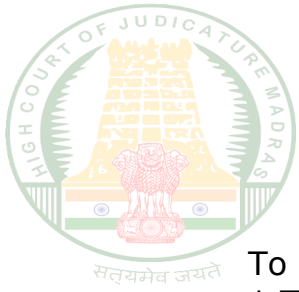
6. It must be borne in mind that the deceased was aged about 65 years at the time of accident and all the three claimants are married daughters. Hence, the Tribunal below took into consideration this fact and fixed the compensation under the head 'loss of dependency'. In the considered view of this Court, the same does not suffer from any perversity warranting the interference of this Court.

7. In so far as the compensation that has been fixed under other heads is concerned, the same is found to be just and reasonable.

8. In the light of the above discussions, the above civil miscellaneous appeal is dismissed and the award dated 24.11.2022 made in MCOP.No.2603 of 2015 on the file of the Tribunal below is confirmed. The claimants namely the appellants and the first respondent herein will be entitled to withdraw entire compensation amount deposited by the third respondent – Insurance Company together with accrued interest. No costs.

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To

1.The Motor Accident Claims Tribunal
(VI Judge, Small Causes Court), Chennai

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