



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

CORAM

WEB COPY

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.2172 of 2026

1. Ponmani
W/o.Late Thirumal
2. Minor Punith
S/o.Late Thirumal
3. Minor Vindhaya
D/o.Late Thirumal

Minors are represented by their NF/Mother
Ponmani

4. Kamala
W/o.Munusamy
5. Munusamy
S/o.Kulandai

..Appellants

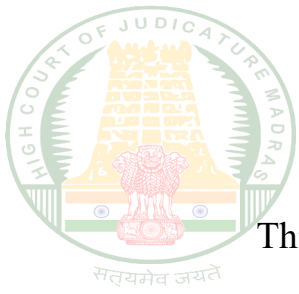
Vs

1. P.Palanichamy
S/o.P.Palaniappan
2. New India Assurance Co. Ltd.,
Rep by its Manager,
Setukrishna Trading Centre,
No.133/31A, II Floor,
Trichy Main Road,Gugai, Salem-636 006.

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment dated 02-02-2024 made in MCOP.No.55/2022 on the file of the MACT Tribunal, Special District Court, Krishnagiri.

For Appellants : Mr.S.P.Yuaraj
For Respondents : Mr.K.J.Sivakumar [R2]

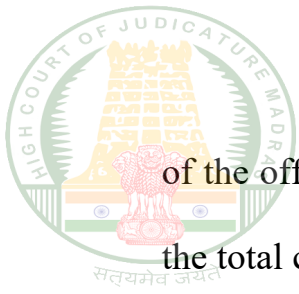


JUDGMENT

This appeal has been filed against the judgment of the Motor Accident Claims Tribunal, Special District Court, Krishnagiri, passed in M.C.O.P.No.55 of 2022 dated 02.02.2024, wherein the claimants are seeking enhancement of compensation.

2. The first claimant is the wife, the claimants 2 and 3 are the minor children and the claimants 4 and 5 are the parents of the deceased Thirumal. The case of the claimants is that on 11.11.2021, the deceased and his friend were travelling in a two wheeler on the Bangalore to Hosur NH Road. At about 14.00 hours, when the two wheeler was proceeding near Mookandapalli Hotel Hills, the offending vehicle, a Tarus Lorry belonging to the first respondent, was driven in a rash and negligent manner and dashed against the two wheeler as a result of which the rider and the pillion rider were thrown out of the vehicle and the deceased succumbed to the injuries in the hospital on 23.11.2021. A First Information Report came to be registered against the driver of the offending vehicle in Crime No.294 of 2021. 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 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. The Tribunal having rendered the above finding, fixed the total compensation at Rs.26,72,200/- under various heads as follows:

WEB COPY

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of dependency	24,19,200/-
2.	Loss of consortium	2,20,000/-
3.	Loss of estate	16,500/-
4.	Funeral expenses	16,500/-
	Total	26,72,200/-

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

4. Heard learned counsel for appellants 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. The main ground urged on the side of the appellants is that the accident was of the year 2021 whereas the Tribunal while fixing the compensation under the head 'loss of dependency' has taken the notional monthly income at Rs.12,000/-, which is on the lower side.



6. In the considered view of this Court, the deceased was aged about 32 years at the time of his demise and the accident had taken place in the year 2021

and the claimants are the wife, two minor children and parents of the deceased.

Hence, this Court is inclined to fix notional monthly income at Rs.18,500/- and considering the age of the deceased, 40% is added towards future prospects.

Accordingly the compensation under the head loss of dependency is calculated as follows:

Monthly Income	:	Rs. 18,500/-
Add: 40% future prospects	:	Rs. 7,400/-

		Rs. 25,900/-
Less: Personal expenses (1/4)	:	Rs. 6,475/-

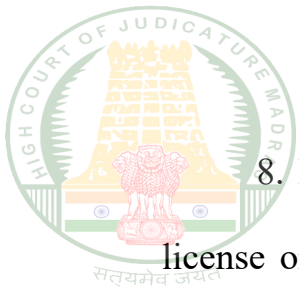
		Rs. 19,425/-
		x 12

Annual income	:	Rs.2,33,100/-
Multiplier	:	x 16

Loss of income	:	Rs.37,29,600/-

The compensation fixed under the other heads is reasonable and does not require the interference of this Court.

7. The next ground urged on the side of the appellants is that the Tribunal had attributed 15% contributory negligence against the deceased since he did not possess a driving license and there was no RC book available in the two wheeler at the time of accident.



8. In the considered view of this Court, mere non-possession of driving license or the two wheeler did not have a RC book, would not automatically result in attributing contributory negligence. Useful reference can be made to the judgment of the Apex Court in ***Dinesh Kumar J. v. National Insurance Company Limited & others [(2018) 1 SCC 750]***. Hence, this Court is inclined to interfere with the finding of the Tribunal attributing 15% contributory negligence on the deceased and accordingly, the same is set aside.

9. 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 dependency	24,19,200/-	37,29,600/-
2.	Loss of consortium	2,20,000/-	2,20,000/-
3.	Loss of estate	16,500/-	16,500/-
4.	Funeral expenses	16,500/-	16,500/-
	Total	26,72,200/-	39,82,600/-

10. The compensation awarded by the Tribunal at Rs.26,72,200/- is enhanced to Rs.39,82,600/-. 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



N.ANAND VENKATESH, J.

gm

WEB COPY

this judgment. Insofar as the enhanced compensation of Rs.13,10,400/- is concerned, the appellants/claimants will not be entitled for interest for the period of delay of 279 days as was ordered by this Court in C.M.P.No.11044 of 2025 in C.M.A.Sr.No.47934 of 2025 dated 11.06.2026. 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.

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

14-07-2026

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

To
The Motor Accident Claims Tribunal,
Special District Court, Krishnagiri.

Civil Miscellaneous Appeal No.2172 of 2026