



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.2115 of 2025

1.Mrs.Meenalosani
2.Mr.Ajay
G.Ananthamal

..Appellants

.VS.

1.K.Kamarudin

2.The Manager,
New India Assurance Company Ltd.,
No.232, NSC Bose Road,
Bombay Mutual Building, 6th Floor,
Broadway,
Chennai 600 001.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the decree and judgment dated 29.11.2023 made in MCOP.No.6297 of 2017, on the file of the Motor Accident Claims Tribunal(II Judge Court of Small Causes), Chennai.

For Appellants : Mr.U.Chithambaram

For Respondents : Mr.K.J.Sivakumar for R2



JUDGMENT

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This appeal has been filed challenging the Award passed by the MACT, II Judge, Small Causes Court, Chennai in MCOP No.6297 of 2017 dated 29.11.2023, wherein, the claimants are seeking for enhancement of compensation.

2.Heard the learned counsel for the appellants and the learned counsel appearing on behalf of the respondents.

3.The 1st claimant is the wife, the 2nd claimant is the son and the 3rd claimant is the mother of the deceased.

4.The case of the claimants is that on 19.06.2017, the deceased was riding a two wheeler from west to east at CTH Road, Thirumullaivoyal and at about 11.15 hours, the offending vehicle belonging to the 1st respondent came in the same direction and was driven in a rash and negligent manner and it dashed on the two wheeler. As a result of which, the deceased was thrown out of the vehicle and he sustained fatal injuries and succumbed to the injuries in the hospital. It is under these circumstances, the claim petition has been filed before the Tribunal.



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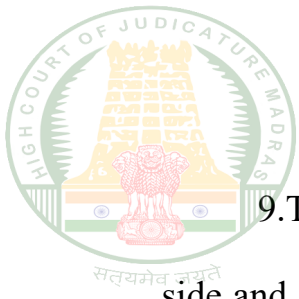
5.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the rider of the 1st respondent motor cycle.

6.Having rendered the above finding, the Tribunal fixed the total compensation at Rs.14,20,000/- under various heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of dependency	12,55,000
Loss of Consortium	1,32,000
Loss of Estate	16,500
Funeral Expenses	16,500
Total	14,20,000

7.The above compensation is liable to be paid along with interest at the rate of 7.5% per annum.

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



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9.This Court has carefully considered the submissions made on either side and also the materials available on record and this Court has gone through the Award passed by the Tribunal.

10.The main ground that was urged by the learned counsel for the appellants is that the Tribunal went wrong in fixing a sum of Rs.31,375/- as the notional monthly of income as against a sum of Rs.70,000/- that was earned by the deceased as pension till his demise. Accordingly, the learned counsel is seeking for modification of the compensation under the head of loss of dependency.

11.In the considered view of this Court, the Tribunal has taken into consideration the fact that the 1st claimant who is the wife of the deceased is receiving a family pension of Rs.47,062/- and therefore, the actual loss of notional monthly income was only Rs.31,375/-. Accordingly, the Tribunal has calculated the compensation under the head of loss of dependency as Rs.12,55,000/-. This Court does not find any perversity in the said finding rendered by the Tribunal warranting the interference of this Court.

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



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13. In the result, the Award passed by the Tribunal in MCOP No.6297 of 2017 dated 29.11.2023, is confirmed and this Civil Miscellaneous Appeal stands dismissed. No Costs.

09.07.2026

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

To

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



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N. ANAND VENKATESH., J

SSR

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