



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2026

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CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CMA No. 2594 of 2022

1.S.Priyadharsini
W/o.late Srinivasan

2. Minor.Mithun
S/o.Late.Srinivasan

3. V.Usha
W/o.Vijayan

4. V.Vijayan
S/o.Varadharajulu

...Appellant(s)

Vs

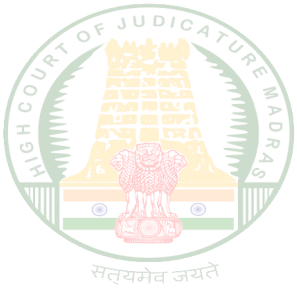
1. V.K.S.Devarajulu
S/o.Krishnamurthy

2.The United India Insurance Co Ltd.,
Having its office at No.48, Arcot Road,
Saligramam, Chennai - 600 093.

... Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 26.11.2021 in MACTOP.No.285 of 2018 dated 26.11.2021, on the file of the Motor Accident Claims Tribunal, Special Motor Accident Claims Tribunal, (In the Court of The II Additional District and Sessions Judge, Tiruvallur at Ponnammallee).



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For Appellant(s): Mr. F.Terry Chell Raja

For Respondent(s): Mr. P.Sankaranarayanan for R2

R1 - ex-parte

JUDGMENT

This appeal has been filed against the award passed by the Motor Accident Claims Tribunal, Special Motor Accident Claims Tribunal, (in the Court of the II Additional District and Sessions Judge, Tiruvallur, Ponnammallee) in MACTOP.No.285 of 2018 dated 26.11.2021, wherein the claimants are seeking for enhancement of compensation fixed by the Tribunal.

2.The 1st claimant is the wife, the 2nd claimant is the minor son and claimants 3 and 4 are the parents of the deceased Srinivasan. The case of the claimants is that on 04.07.2018, the deceased was riding a two wheeler from West to East at C.T.H. Road Padi and at about 22.45 hours when the two wheeler was near a shop, the offending vehicle which was a container lorry was driven in a rash and negligent manner and it hit the two wheeler as a result of which the deceased fell down on the road and the front tyre of the lorry ran over him. He sustained grievous injuries and 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 such a finding, the Tribunal proceeded to fix the total compensation at Rs.22,06,000/- under the following heads:

<i>Sl.No</i>	<i>Heads</i>	<i>Calculation</i>
1.	Income	Rs.10,000/-
2.	1/4 of income (Personal Expenses)	Deducted as personal expenses of the deceased is (1/4 of 10,000) Rs.2,500/- Rs.10,000-2,500=Rs7,500/- Adding: Future Prospect: 40% i.e. Rs.7,500/-+3,000/- = Rs.10,500/- The Annual income is Rs.10,500/-x12 = Rs.1,26,000/- p.a.
3.	Compensation Multiplier of “16” is applied	Rs.1,26,000 x 16 = Rs.20,16,000/-
4.	Conventional Heads: 1) Loss of Estate :Rs.15,000/- 2) Loss of Consortium :Rs.40,000/- 3) Funeral Expenses :Rs.15,000/-	Rs.20,16,000/- Rs. 15,000/- Rs. 40,000/- Rs. 15,000/- ----- Total : Rs.20,86,000/- -----
5.	Filial Consortium for one Son and father and mother (3 numbers)	Rs.40,000/- each (40000+40000+40000) Total Rs.1,20,000/-
	Total :	Rs.20,86,000/- + Rs.1,20,000/- = Rs. 22,06,000/-

4. The Tribunal restricted the claim to Rs.20,00,000/- based on the Court fees paid and directed this compensation amount to be paid by the Insurance Company along with interest at the rate of 7.5% p.a.



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

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6. Heard the learned counsel for appellants and the learned counsel for the 2nd respondent /Insurance Company.

7. The main ground that was urged on the side of the appellants is that, the deceased had left behind the wife, minor child and parents and this had taken place in the year 2018. Whereas the Tribunal has fixed the 'notional monthly income' at Rs.10,000/- which is on the lower side. Hence, this Court is inclined to fix a 'monthly notional income' at Rs.16,000/-. Accordingly, the compensation under the head of 'loss of income' is calculated as follows:-

Monthly income	: Rs.16,000/-
Add: 40% future prospects	: Rs. 6,400/-

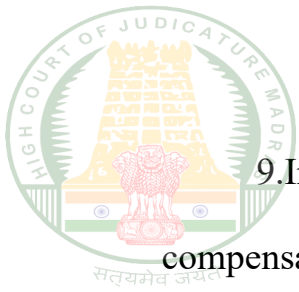
	Rs.22,400/-
Less: 1/4th personal expenses	Rs. 5,600/-

	Rs.16,800/-
	x12

Annal Income	Rs.2,01,600/-
Multiplier	x16

Loss of Income	: Rs. 32,25,600/-

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



9. In the light of the above discussion, this Court modifies the compensation in the following manner:

Sl. No.	Compensation awarded under the head	Amount awarded by the Tribunal (in Rs.)	Amount awarded by this Court (in Rs.)
1.	Loss of Income	20,16,000/-	32,25,600
2.	Loss of Estate	15,000/-	15,000/-
3.	Loss of Consortium (Rs.40,000/-+Rs.1,20,000/-)	1,60,000/-	1,60,000/-
4.	Funeral Expenses	15,000/-	15,000/-
	Total :	22,06,000/-	34,15,600/-

10. The compensation awarded by the Tribunal at Rs.22,06,000/- is enhanced to Rs.34,15,600/-. The 2nd respondent/Insurance Company is directed to deposit the enhanced compensation amount, less the amount already deposited, together with accrued interest at the rate of 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 this judgment. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

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

07-07-2026

Index: Yes/No
Speaking/Non-speaking order
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N.ANAND VENKATESH J.

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To

The Special Motor Accident Claims Tribunal,
(in the Court of The II Additional District
and Sessions Judge, Tiruvallur at Ponnammallee).

CMA No. 2594 of 2022

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