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CMA.No.2229 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.2229 of 2025

1. Mrs.Kanaga, W/o. Viji @ Vijayakumar,
No.36, Thiruveethiamman Koil Street,
Kalikundram, Tharamani,
Chennai -600 113.
2. Mrs.Suriya, W/o. Ranjith, No.36,
Thiruveethiamman Koil Street,
Kalikundram, Tharamani,
Chennai -600 113.
3. V.Suresh, S/o. Viji @ Vijayakumar,
No.36, Thiruveethiamman Koil Street,
Kalikundram, Tharamani,
Chennai -600 113.
4. V.Surendhar, S/o. Viji @ Vijayakumar,
No.36, Thiruveethiamman Koil Street,
Kalikundram, Tharamani,
Chennai -600 113.

...Appellants

Vs

1. R.V.Lenin, S/o. R.Vijayakumar,
No.1/1, Thiruveethiamman Koil Street,
Tharamani, Chennai -600 113.
2. SBI General Insurance Company Ltd.,
Ground and Mezzanine Floors, Greams



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Dugar, New No.64, Old No.149, Greams
Road, Chennai -600 006.

...Respondents

APPEAL under Section 173 of the Motor Vehicles Act, 1988
against the judgment and decree dated 08.12.2023 in MCOP.No.
2707 of 2017 on the file of Motor Accident Claims Tribunal, Special
Sub Judge-II, Court of Small Causes, Chennai.

For Appellants:
For Respondents:

Mr.U.Chithambaram
Mr.Suresh Srinivasan for R2
R1 – No appearance

JUDGMENT

This appeal has been filed by the appellants – claimants
against the award dated 08.12.2023 made in MCOP.No.2707 of
2017 on the file of the Motor Accident Claims Tribunal, Special Sub
Judge-II, Court of Small Causes, Chennai (for short, the Tribunal
below) wherein they are claiming for enhancement of compensation.

2. Heard the learned counsel for the appellants and the
learned counsel appearing for the second respondent – Insurance
Company.



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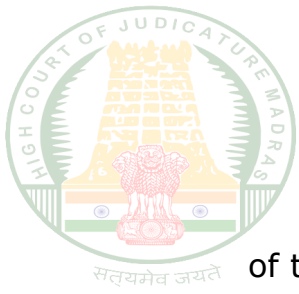
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3. The first appellant – first claimant is the wife; the second appellant – second claimant is the daughter; appellants 3 and 4 – claimants 3 and 4 are the sons of one Mr.Viji (a) Vijayakumar (since deceased).

4. The case of the appellants – claimants is as follows:

(i) On 30.3.2017, the said Mr.Viji (a) Vijayakumar was standing along with another – one Mr.BA.Murthy at left side of Thiruveethiamman Koil Street and at about 10.50 PM, the offending vehicle, which was a car, was driven in a rash and negligent manner and dashed against both of them, as a result of which, the said Mr.Viji (a) Vijayakumar sustained a serious head injury and he died on 01.4.2017. The said Mr.BA.Murthy sustained grievous injuries in this accident. It was under those circumstances, the claim petition came to be filed before the Tribunal below.

(ii) 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 had taken place only due to the rash and negligent driving by the driver



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of the offending vehicle.

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(iii) 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.14,17,500/-</i>
2	<i>Loss of consortium</i>	<i>Rs. 1,60,000/-</i> <i>(4 X Rs.40,000/-)</i>
3	<i>Loss of estate</i>	<i>Rs. 15,000/-</i>
4	<i>Funeral expenses</i>	<i>Rs. 15,000/-</i>
5	<i>Medical bills</i>	<i>-----</i>
	<i>Total</i>	<i>Rs.16,07,500/-</i>

(iv) The above total compensation amount was directed to be paid by the second respondent – Insurance Company at the rate of 7.5% per annum from the date of petition till date of payment. Aggrieved by that, the appellants – claimants are before this Court.

5. 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.

6. The bone of contention is regarding the notional monthly income fixed by the Tribunal below while calculating the compensation under the head 'loss of dependency'.



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7. The Tribunal below fixed the notional monthly income of the deceased at Rs.9,000/- per month. The accident occurred in the year 2017 and the deceased left behind him his wife and three children. In the considered view of this Court, the notional monthly income fixed by the Tribunal below is on the lower side. Accordingly, this Court is inclined to fix the notional monthly income at Rs.15,000/-. Hence, the compensation under the head 'loss of dependency' is calculated as follows:

*"Total monthly income : Rs.15,000/- +
Rs.3,750/- (25% future prospects of
Rs.15,000/-) = Rs.18,750/-;*

*Annual income of the deceased :
Rs.18,750/- X 12 = Rs.2,25,000/-;*

*After deduction of 1/4th towards personal
& living expenses, the amount comes to
Rs.1,68,750/- [Rs.2,25,000/- - Rs.56,250/-];*

*If 14 is applied as the multiplier, the
compensation under the head 'loss of
dependency' comes to Rs.23,62,500/-
(Rs.1,68,750/- X 14)".*

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



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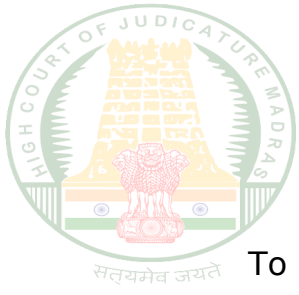
9. Accordingly, the civil miscellaneous appeal is partly allowed and the award dated 08.12.2023 made in MCOP.No.2707 of 2017 on the file of the Tribunal below is modified in the following manner:

<i>S.No.</i>	<i>Head</i>	<i>Amount awarded by the Tribunal below</i>	<i>Amount awarded by this Court in this appeal</i>
1	Loss of dependency	Rs.14,17,500/-	Rs.23,62,500/-
2	Loss of consortium	Rs. 1,60,000/- (4 X Rs.40,000/-)	Rs. 1,60,000/-
3	Loss of estate	Rs. 15,000/-	Rs. 15,000/-
4	Funeral expenses	Rs. 15,000/-	Rs. 15,000/-
5	Medical bills	-----	-----
	Total	Rs.16,07,500/-	Rs.25,52,000/-

The above total compensation amount of Rs.25,52,500/- is directed to be deposited by the second respondent – Insurance Company together with interest at the rate of 7.5% per annum from the date of claim petition till the date of payment within six weeks from the date of receipt of a copy of this judgment. The appellants – claimants will not be entitled to interest for the delayed period of 335 days in filing the appeal as per the order of this Court dated 22.7.2025 in CMP.No.9429 of 2025. No costs.

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To

1. The Motor Accident Claims Tribunal/
Special Sub-Court-II, Court of
Small Causes, Chennai.
2. SBI General Insurance Company Ltd.,
Ground and Mezzanine Floors,
Greens Dugar, New No.64,
Old No.149, Greens Road,
Chennai -600 006.

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N.ANAND VENKATESH,J

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