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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.1184 of 2025

1.Mangamma

2.Raman

3.Kaliyamma

..Appellants

.vs.

1.P.Sivan

2.The Manager,
Chola MS General Insurance Co., Ltd.,
Master Complex, 3rd Floor,
No.120, GN Chetty Road,
Chennai – 600 017.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 26.11.2024 in MCOP No.606 of 2021, on the file of the Motor Accident Claims Tribunal, Special District Court, Krishnagiri.

For Appellants : Mr.P.Dineshkumar

For Respondents : Mrs.R.Sreevidhya for R2



JUDGMENT

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This appeal has been filed against the Award passed by the MACT, Special District Court, Krishnagiri in MCOP No.606 of 2021 dated 26.11.2024, wherein, the claimants are seeking for enhancement of compensation.

2.The 1st and 2nd claimants are the parents and the 3rd claimant is the sister of the deceased Basavaraj.

3.The case of the claimant is that on 06.11.2020, the deceased was proceeding in a two wheeler at Anchetti to Thekkatti road and at about 15.30 hours, when the deceased was proceeding near the petrol bunk, the offending vehicle belonging to the 1st respondent which is a Mahindra pick up van was driven in a rash and negligent manner and it came in the opposite direction and dashed on the two wheeler. As a result of which, the deceased was thrown out of the vehicle and he sustained fatal injuries and he died in the hospital on 10.11.2020. An FIR came to be registered in Crime No.251 of 2020 against the driver of the offending vehicle. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking for enhancement of compensation.



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4.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.

5.Having rendered the above finding, the Tribunal attributed 15% contributory negligence on the ground that the deceased was not having a valid driving license. Consequently, 85% negligence alone was attributed against the driver of the offending vehicle. The Tribunal thereafter proceeded to fix the total compensation at Rs.16,77,000/- under the following heads:

Compensation awarded under the head	Amount (in Rs.)
Loss of Dependency (10000 x 40%) x 12 x 18 x ½	15,12,000
Loss of Estate	16,500
Funeral Expenses	16,500
Loss of Consortium (Rs.44,000 x 3)	1,32,000
Total	16,77,000

6.From the above compensation amount, 15% was deducted and a sum of Rs.14,25,450/- was directed to be paid along with interest at the rate of 7.5% per annum.



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7. Aggrieved by the same, the present appeal has been filed before this Court seeking for enhancement of compensation.

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

9. The first issue is regarding attributing contributory negligence against the deceased. The Tribunal came to a categorical 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 attributed 15% contributory negligence on the deceased only on the ground that he did not possess a valid driving license. It is now too well settled that mere non possession of the driving license cannot be a ground to attribute contributory negligence. Useful reference can also be made to the judgement of the Hon'ble Apex Court in ***Dinesh Kumar J. @ Dinesh J. v. National Insurance Co. Ltd. & Ors.***, reported in (2018) 1 SCC 750.

10. Insofar as the compensation is concerned, the Tribunal has fixed the notional income at Rs.10,000/- and calculated the compensation under the



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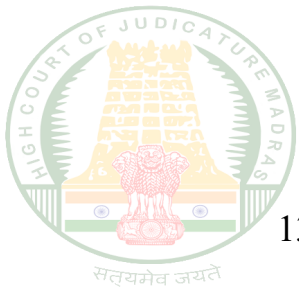
head of loss of dependency. The accident had taken place in the year 2020 and deceased had left behind his parents and unmarried sister. Hence, this Court is inclined to fix the notional monthly income at Rs.17,500/-. Accordingly, the compensation under the head of loss of dependency is calculated as follows:

$$\text{Rs.24,500/-} (17,500 + 40\% = 18,750) \times 12 \times 18 \times \frac{1}{2} = \text{Rs.26,46,000/-}$$

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

12.In the light of the above discussion, the compensation fixed by the Tribunal is modified as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of Dependency (17,500 x 40%) x 12 x 18 x $\frac{1}{2}$	26,46,000
Loss of Estate	16,500
Funeral Expenses	16,500
Loss of Consortium (Rs.44,000 x 3)	1,32,000
Total	28,11,000



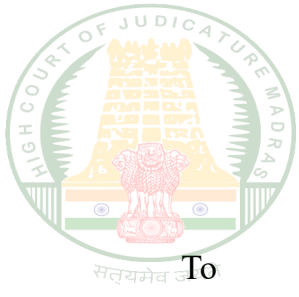
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13.The compensation awarded by the tribunal at Rs.16,77,000/- is enhanced to Rs.28,11,000/-. The second respondent/insurance company is directed to deposit the enhanced compensation of Rs.28,11,000/-, less the amount already deposited, together with 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 weeks from the date of receipt of this judgment. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

14.This Civil Miscellaneous Appeal is Partly Allowed in the above terms. No Costs.

16.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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To
The Motor Accident Claims Tribunal, Special District Court, Krishnagiri.



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N. ANAND VENKATESH., J

SSR

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