



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.1794 of 2023

1. Loganathan
S/o.Madhaiyan
2. Minor.Praveen Kumar
S/o.Loganathan,
Minor rep. by his next friend Natural guardian
Father Loganathan

..Appellants

Vs

1. Kari Basappa
S/o.Devendra
2. HDFC ERGO General Insurance Company Ltd,
Empire Arcade, Opp New Bus Stand,
Salem.

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment dated 01.11.2022 made in MCOP No.876 of 2021 on the file of the Motor Accidents Claims Tribunal, The Special District Court, Salem.

For Appellants : Mr.S.P.Yuaraj

For Respondents : No appearance



JUDGMENT

This appeal has been filed against the award dated 01.11.2022 passed in MCOP No.876 of 2021 on the file of the Motor Accidents Claims Tribunal, The Special District Court, Salem, wherein the claimants are seeking enhancement of compensation.

2. The first claimant is the father and the second claimant is the brother of the deceased. The case of the claimants is that on 15.02.2021, the deceased was riding a two wheeler at Palar-Kolathur road and at about 07.15 a.m., the offending vehicle, a eicher lorry, was driven in a rash and negligent manner and dashed against the two wheeler as a result of which the deceased was thrown out of the vehicle and sustained fatal injuries and died on the spot. A First Information Report came to be registered in Crime No.79 of 2021 against the driver of the offending vehicle. 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 due to the rash and negligent driving on the part of the driver of the offending vehicle. Having rendered the above finding, the Tribunal proceeded to determine the compensation amount in the following



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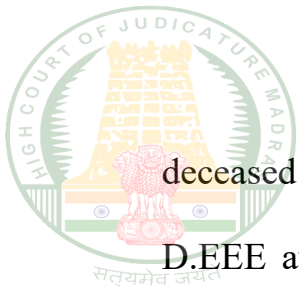
<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of income	10,80,000/-
2.	Loss of love and affection	40,000/-
3.	Funeral expenses	25,000/-
	Total	11,45,000/-

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

4. The respondents have been served with notice and their names have also been printed in the cause list. However, there is no appearance either in person or through a counsel.

5. Heard learned counsel for appellant. This Court also considered the materials available on record and carefully went through the award passed by the Tribunal.

6. The bone of contention is regarding the notional income fixed by the Tribunal while determining the compensation under the head 'loss of income'. In the case in hand, the accident had taken place in the year 2021 and the



deceased left behind his father and a minor brother. The deceased was studying D.EEE at Cauvery Polytechnic. The Tribunal has fixed the notional monthly income at Rs.10,000/- including future prospects, which is clearly on the lower side. This Court is inclined to fix notional monthly income at Rs.18,500/- and 40% must be added towards future prospects. Accordingly, the compensation under the head 'loss of income' is calculated as follows:

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

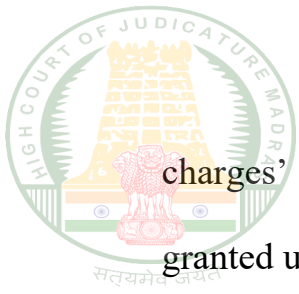
		Rs. 25,900/-
Less: Personal expenses (1/2)	:	Rs. 12,950/-

		Rs. 12,950/-
		x 12

Annual income	:	Rs. 1,55,400/-
Multiplier	:	x 18

Loss of income	:	Rs.27,97,200/-

7. The Tribunal has granted a sum of Rs.40,000/- under the head 'loss of love and affection'. This Court sets aside the award of Rs.40,000/- under the head 'loss of love and affection', instead grants a sum of Rs.80,000/- under the head 'loss of consortium'. The Tribunal has fixed a sum of Rs.25,000/- under the head 'funeral expenses' and the same is reduced to Rs.15,000/-. The Tribunal has not granted any amount towards 'loss of estate' and 'transport



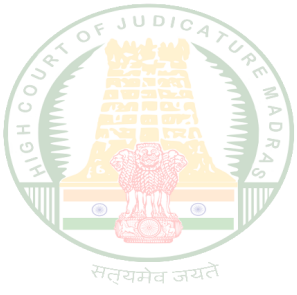
charges’ and hence, a sum of Rs.15,000/- and Rs.10,000/- respectively is granted under such heads.

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8. 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 income	10,80,000/-	27,97,200/-
2.	Loss of love and affection	40,000/-	-
3.	Funeral expenses	25,000/-	15,000/-
4.	Loss of consortium	-	80,000/-
5.	Loss of estate	-	15,000/-
6.	Transport charges	-	10,000/-
	Total	11,45,000/-	29,17,200/-

9. The compensation awarded by the Tribunal at Rs.11,45,000/- is enhanced to Rs.29,17,200/-. 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 this judgment. On such deposit, the first appellant is entitled to withdraw his entire share on due application. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellants/claimants. The other directions issued by the Tribunal with regard to



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the mode of payment of compensation remains unaltered. The guidelines issued by the Division Bench of this Court in C.M.A.No.2064 of 2026, dated 08.07.2026 shall be strictly complied with respect to disbursement of compensation amount to the claimants.

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

28-07-2026

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

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To
The Motor Accidents Claims Tribunal,
The Special District Court, Salem.

Civil Miscellaneous Appeal No.1794 of 2023