



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2026

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.1950 of 2026

1. Sheela
W/o. Ashok Kumar
2. Minor Abisha Premakumari
D/o. Ashok Kumar
3. Minor Ashika Premakumari
D/o. Ashok Kumar
..Appellants

.Vs.

1. B. Velmurugan
S/o. Balaiya
2. The New India Assurance Co. Ltd,
No. 232, NSC Bose Road, Bombay Mutual Building
6th Floor, Broadway, Chennai-02.
Branch Office: No. 165, JN Road
Tiruvallur-602 001.

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 26.06.2023 in MACT.O.P.No.152 of 2022, on the file of the Motor Accident Claims Tribunal No.1, Special District Court, Thiruvallur.



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For Appellants : Mr.A.G.F.Terry Chella Raja

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

Ex-parte (R1)

JUDGMENT

This appeal has been filed against the award passed by the Motor Accident Claims Tribunal No.1, Special District Court, Thiruvallur, in MACT.O.P.No.152 of 2022, dated 26.06.2023 wherein the claimants are seeking for enhancement of compensation.

2.Heard the learned counsel for appellants and the learned counsel for respondent (R2).

3.The 1st appellant is the wife and the 2nd and 3rd appellants are the daughters of the deceased Ashok Kumar. The appellants filed the claim petition on the ground that on 08.04.2022 the deceased Ashok Kumar was riding a Car from Chennai to Chenji and when the Car was approaching Vanakkambadi lake at about 09.40 a.m., the offending vehicle which was a Car, was driven in a rash and negligent manner and it dashed on the Car driven by the deceased as a result of which the deceased, sustained fatal injuries.



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4. The Tribunal on considering the facts and circumstances of the case and on appreciation of the 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. 21,15,000/- under various heads as follows:

<i>Sl.No</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of Dependency 15000 (add 25% future prospects) =15,000+3750 = 18,750 (1/3rd deductions) =18,750-6250= 12,500/- 12,500 x 12 x 13 (Multiplier = 19,50,000)	19,50,000/-
2.	Loss of Estate	16,500/-
3.	Loss of Consortium	1,32,000/-
4.	Funeral Expenses	16,500/-
	Total	21,15,000/-

The compensation was directed to be paid along with interest at the rate of 7.5% p.a. Aggrieved by the same, the claimants have filed the present appeal seeking for enhancement of compensation.



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5.The bone of contention was fixed on the compensation fixed under the head of 'loss of dependency'. The accident had taken place in the year 2022 and according to the claimants, the deceased was a driver who possessed a valid driving license and was earning a monthly income of Rs.25,000/-.

6.The Tribunal had fixed the notional monthly income at Rs.15,000/- per month. In the considered view of this Court, the accident had taken place in the year 2022 and considering the pricing index and the fact that the claimants are the wife and two minor children of the deceased, it will be more appropriate to fix the notional monthly income at Rs.20,000/-. Accordingly, the compensation under the head 'loss of income' is calculated as follows:

Monthly Income	:	Rs.20,000/-
Add: 25% future prospects	:	Rs. 5,000/-

		Rs.25,000/-
Less: Personal expenses(1/3)	:	Rs. 8,333/-

		Rs.16,667
		x 12

Annual income	:	Rs.2,00,004
Multiplier	:	x13

Loss of income	:	Rs.26,00,052



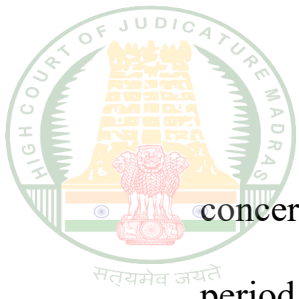
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7. The compensation fixed under the other heads are reasonable and it does not require the interference of this Court.

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 awarded by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Loss of Dependency	19,50,000/-	26,00,052/-
2.	Loss of Estate	16,500/-	16,500/-
3.	Loss of consortium	1,32,000/-	1,32,000/-
4.	Funeral Expenses	16,500/-	16,500/-
	Total :	21,15,000/-	27,65,052/-

9. The compensation awarded by the Tribunal at Rs.21,15,000/- is enhanced to Rs.27,65,052/- The 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 four (4) weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.6,50,052/- is



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concerned, the appellants/claimants will not be entitled for interest for the period of delay of 569 days as was ordered by this Court in CMP.No.28265 of 2025 in C.M.A.SR.No.69817 of 2025 dated 08.06.2026. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

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

30.06.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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To
The Motor Accident Claims Tribunal No.1,
Special District Court, Thiruvallur.



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N. ANAND VENKATESH., J

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