



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 1281 of 2023

1. Ayyappan
S/o Perumal, Arumbavur Post, Perambalur
District.
2. Chellammal
D/o Perumal, Kallakurichi Taluk, Villupuram
District.

..Appellant(s)

Vs

1. P.Duraisamy
S/o Periasamy, Malaiyalapatti Post, Perambalur
District.
2. The Branch Manager
United India Insurance Co Ltd, Perambalur.
3. M.Chinnadurai
S/o Muthu, Veppanthattai Taluk, Perambalur
District.
[The 3rd respondent was impleaded as per order
in IA No.3 of 2021 dated 07.10.2021 and
amended as per order in IA No.4 of 2021 dated
02.12.2021)

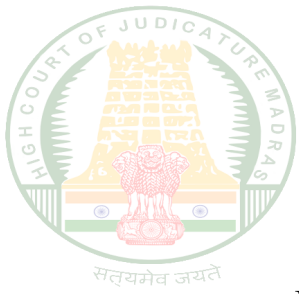
..Respondent(s)

CMA No. 1281 of 2023

Civil Miscellaneous petition filed under Section 173 of the Motor Vehicles Act, 1988, to allow the CMA and enhance the award amount passed by the Motor Accident Claims Tribunal/Principal District Judge, Perambalur by its Judgment dated 10.03.2023 and made in MCOP.No. 113/2021

For Appellant(s):

Mr.C.Vidhusan



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S.Shanmitha
L.meena

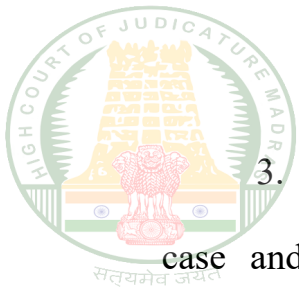
For Respondent(s):

Rr1 & 3 - Notice Dispensed With, Vide C/o Dated
23.06.2023
M/s. J.Michael Visuvasam
For R2

Judgment

This Civil Miscellaneous Appeal has been filed by the claimants challenging the award passed by the Motor Accident Claims Tribunal /Principal District Judge, Perambalur in MCOP No.113 of 2021 dated 10.03.2023 wherein the claimants are seeking for enhancement of compensation fixed by the Tribunal.

2. The claimants are the son and daughter of the deceased, Perumal. The case of the claimant is that on 18.12.2020, at about 4.40 p.m, when the deceased was walking on the left hand side of the Arumbavur – A.Mettur road, the offending vehicle belonging to the 1st respondent, was driven in a rash and negligent manner and it dashed on the deceased. As a result of which, the deceased sustained grievous injuries and he succumbed to the injuries on 05.01.2021. An FIR came to be registered in Crime No.1198 of 2020. It is under these circumstances, the claim petition came to be filed by the claimants before the Tribunal seeking for compensation.



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 rider of the two wheeler.

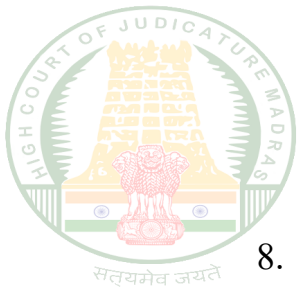
4. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.1,10,000/- under various heads as follows :-

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Parental consortium Rs.40,000/- each (40,000 x 2)	Rs. 80,000/-
2.	Loss of estate	Rs. 15,000/-
3.	Funeral expenses	Rs. 15,000/-
	Total	Rs. 1,10,000/-

5. The above compensation was directed to be paid with interest at the rate of 7.5% per annum. Aggrieved by the same, the claimants have filed this Appeal seeking for enhancement of compensation.

6. Heard Mr.C.Vidhusan, learned counsel for appellants/claimants and Mr.J.Michael Visuvasam, learned counsel for 2nd respondent.

7. This Court has carefully considered the submissions made on either side and the materials available on record.



8. This Court has also carefully went through the award passed by the Tribunal.

9. The learned counsel for the appellants submitted that the Tribunal went wrong in not fixing the compensation under the head of loss of income. The learned counsel further submitted that the compensation fixed under the other heads are also on the lower side and it requires the interference of this Court.

10. Per contra, the learned counsel for insurance company submitted that the Tribunal found that the 1st claimant, aged about 42 years and the 2nd claimant, aged about 46 years, were both married and living separately. Both of them were not dependent on the deceased and therefore, the Tribunal had rightly held that they are not entitled to compensation under the head of loss of income. The learned counsel further submitted that the compensation that has been fixed under the other heads are reasonable and it does not require the interference of this Court.

11. In the considered view of this Court, the deceased was aged about 60 years at the time of the accident and the 1st claimant was the son, who was aged about 42 years and the 2nd claimant was the daughter, who was aged about



46 years. Both of them were married and living separately. There was absolutely no material to show that both of them were dependents of the deceased. Therefore, the Tribunal had rightly denied to award compensation under the head of loss of income.

12. Insofar as the compensation under the other heads is concerned, this Court deems it fit to enhance the same by considering the judgement of the Hon'ble Apex Court in *[National Insurance Co. Ltd Vs. Pranay Sethi and others]* reported in *2017 SCC online SC 1270*.

13. In view of the above, the compensation under the head of parental consortium is enhanced to Rs.44,000/- each ($\text{Rs.44,000/-} \times 2 = \text{Rs.88,000/-}$). The compensation under the head of loss of estate is enhanced to Rs.16,500/- each ($\text{Rs.16,500} \times 2 = \text{Rs.33,000/-}$). This Court is also inclined to award a sum of Rs.10,000/- towards transportation charges. Insofar as the compensation fixed under the head of funeral expenses is concerned, the same is sustained.

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



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<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.	Parental consortium	Rs. 80,000/-	Rs.88,000/-
2.	Loss of estate	Rs. 15,000/-	Rs.33,000/-
3.	Funeral expenses	Rs. 15,000/-	Rs.15,000/-
4.	Transportation charges		Rs.10,000/-
	Total	Rs.1,10,000/-	Rs.1,46,000/-

15. The compensation awarded by the Tribunal at Rs.1,10,000/- is enhanced to Rs.1,46,000/-. The 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.36,,000/- 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. Already the Tribunal has ordered for pay and recover and the said liberty is sustained.



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16. In the result, the Civil Miscellaneous Appeal is partly allowed in the above terms. No costs.

02-07-2026

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

RKA

To
The Motor Accident Claims Tribunal/Principal District Judge, Perambalur



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CMA No. 1281 of 2



N.ANAND VENKATESH J.

RKA

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