



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

CORAM

WEB COPY

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 1418 of 2023

Jothi (died)

1. Soundararajan
S/o. L. Mottaiyapillai, No.1/25, Balarpalli
Street, Pillankulam Post, Veppanthattai Taluk,
Perambalur Dt.

2. Nagarajan
S/o. L. Mottaiyapillai, No.1/25, Balarpalli
Street, Pillankulam Post, Veppanthattai Taluk,
Perambalur Dt.

..Appellant(s)

Vs

1. K.Muthusamy
S/O. Kesavan, No.87, Ward No.1, North Street,
Koogaiyur Post, Kallakurichi, Villupuram
District – 606202.
2. National Insurance Company Ltd.,
Branch Office, by its Branch Manager, at 1st
Floor, Niresh Complex, No.910, Cuddalore
Main Road, Attur, Salem District.

..Respondent(s)

Civil Miscellaneous petition filed under section 173 of the Motor Vehicles Act, 1988, to enhance the compensation amount made in Judgement and decree dated 31.01.2023 made in MCOP No.729 of 2018 on the file of the Motor Accidents Claims Tribunal, Principal District Judge, Perambalur by allowing this Civil Miscellaneous Appeal.

For Appellant(s):

Mr.T.Gobinath
K. Prabhu

For Respondent(s):

Mr.D.Bhaskaran
For R2



WEB COPY

CMA No. 1418 of 2



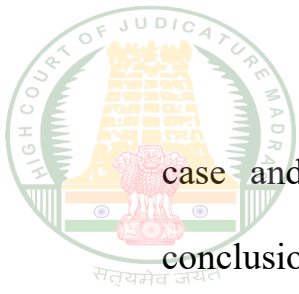
R1- K.MUTHUSAMY S/O. Kesavan, No.87,
Ward No.1, North Street, Koogaiyur Post,
Kallakurichi, Villupuram District - 606202.

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.729 of 2018 dated 31.01.2023, wherein the claimants are seeking for enhancement of compensation fixed by the Tribunal.

2. The 1st claimant was the wife and the 2nd and 3rd claimants are the sons of the deceased Mottaiya Pillai. The case of the claimants is that on 21.06.2018, the deceased was walking on Pillankulam to Kai-kalathur Road from north to south in the extreme left side of the road and the offending vehicle, which is a goods loaded 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 died on the spot. An FIR came to be registered in Crime No.99 of 2018 against the driver of the offending vehicle. It is under these circumstances, the claim petition came to be filed by the wife and children of the deceased 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 driver of the offending vehicle.

4. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.1,10,000/-, which was directed to be paid with interest at the rate of 7.5% p.a . The 1st claimant died during the pendency of the claim petition and only the claimants 2 and 3, who are the sons of the deceased prosecuted the claim petition.

5. Heard Mr.T.Gobinath, learned counsel for the appellants/claimants and Mr.D.Bhaskaran, learned counsel for the 2nd respondent.

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

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

8. The main ground that was urged by the learned counsel for the Appellants is that the Tribunal did not fix any compensation under the head of loss of income on the ground that the 1st claimant died and the claimants 2 and 3

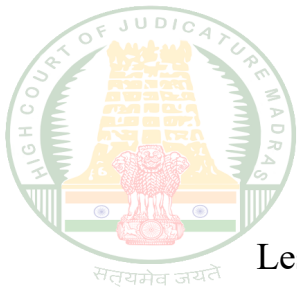


were not dependants of the deceased. The learned counsel further submitted that the Tribunal also did not grant any compensation under the head of loss of consortium for the deceased wife.

9. In the considered view of this Court, just because the 1st claimant died during the pendency of the claim petition, that does not mean that the Tribunal can deprive the other claimants from inheriting the estate of the deceased while fixing the compensation under the head of loss of income. Even if the claimants 2 and 3 are not dependents, admittedly, the 1st claimant was the wife of the deceased and she was a dependent and therefore, the Tribunal ought to have determined the compensation under the head of loss of income and that compensation will be inherited by the claimants 2 and 3 as the estate of the deceased.

10. In the light of the above discussion, considering the fact that the deceased was aged about 71 years at the time of the accident and the accident had taken place in the year 2018, this Court is inclined to fix the notional monthly income at Rs.16,500/-. Half has to be deducted towards personal expenditure and multiplier of 5 must be applied. Accordingly, the compensation under the head of loss of income is fixed as follows :-

Monthly Income : Rs. 16,500/-



WEB COPY

Less: Personal expenses (1/2) :	Rs. 8250/-

	Rs. 8,250/-
	x 12

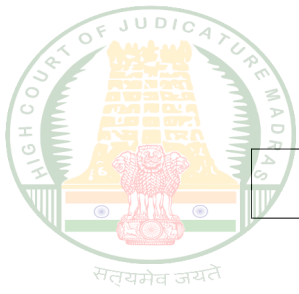
Annual income :	Rs. 99,000/-
Multiplier :	x 5

Loss of income :	Rs.4,95,000/-

11. Insofar as the consortium is concerned, this Court is inclined to fix the compensation of Rs.40,000/- each (Rs.40,000 x 3 = Rs.1,20,000/-). The compensation fixed under the other heads are just and reasonable and it does not require the interference of this Court.

12. 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.	Parental consortium each Rs.40,000	Rs.80,000/-	Rs.1,20,000/-
2.	Funeral expenses	Rs. 15,000/-	Rs. 15,000/-
3.	Loss of Estate	Rs. 15,000/-	Rs. 15,000/-
4	Loss of Income	-	Rs.4,95,000/-



	Total	Rs.1,10,000/-	Rs.6,45,000/-
--	-------	---------------	---------------

WEB COPY

13. The compensation awarded by the Tribunal at Rs..1,10,000/- is enhanced to Rs.6,45,000/-. The Insurance company is directed to deposit the enhanced compensation, less the amount already deposited, together with accrued interest at the rate of 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.5,35,000/- 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 is ordered for pay and recover and the said liberty is sustained.

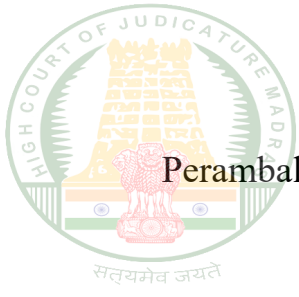
14. In the result, the Civil Miscellaneous Appeal is partly allowed in the above terms. No costs.

30-06-2026

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

RKA

To, The Motor Accidents Claims Tribunal, Principal District Judge,



Perambalur

WEB COPY

CMA No. 1418 of 2





WEB COPY

CMA No. 1418 of 2



N.ANAND VENKATESH J.

RKA

CMA No. 1418 of 2023

30-06-2026