

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-07-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CMA Nos. 734, 735, 736 and 738 of 2024

1. Chitravel
S/s. Kasinathan,
2. Selvakumar
S/o. Kasinathan
3. Manikandan
S/o. Kasinathan

..Appellant(s)

Vs

1. Arulmani
S/o. Anbazhagano
2. The Branch Manager
National Insurance Company Ltd.,
KRT Building, No.33, Bharathidasan
Salai, Promenade Road,
Contonment, Trichy.

..Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhancement of Additional Compensation in MCOP.No. 90 of 2021 on the file of the Motor Accident Claims Tribunal (Principal District and Sessions Court) Ariyalur.

**CMA No. 735 of 2024**

1. Manikandan
S/o Kasinathan

Appellant(s)

Vs

1. Arulmani
S/O. Anbazhagan

2.The Branch Manager
National Insurance Company Ltd.,
KRT Building, No.33, Bharathidasan
Salai, Promenade Road,
Contonment, Trichy.

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhancement of Additional Compensation in MCOP.No. 92 of 2021 on the file of the Motor Accident Claims Tribunal (Principal District and Sessions Court) Ariyalur.

CMA No. 736 of 2024

1. Lathamani
D/O. Jayaraj

2.Saminathan
S/O. Pichapillai

3.Selvamani
W/O. Karunanithi

Appellant(s)

Vs



1. Arulmani
S/O. Anbazhagan

2. The Branch Manager
National Insurance Company Ltd.,
KRT Building, No.33, Bharathidasan
Salai, Promenade Road,
Contonment, Trichy.

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhancement of Additional Compensation in MCOP.No. 91 of 2021 on the file of the Motor Accident Claims Tribunal (Principal District and Sessions Court) Ariyalur.

CMA No. 738 of 2024

1. Nithyanantham
S/o. Adaikan

Appellant(s)

Vs

1. Arulmani
S/O. Anbazhagan

2. The Branch Manager
National Insurance Company Ltd.,
KRT Building, No.33, Bharathidasan
Salai, Promenade Road, Contonment,
Trichy.

Respondent(s)

**PRAYER**

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to enhancement of Additional Compensation in MCOP.No. 93 of 2021 on the file of the Motor Accident Claims Tribunal (Principal District and Sessions Court) Ariyalur.

For Appellant(s): M/s.P.Parthi Kannan
(All CMAs)

For Respondent(s): Mrs.N.B.Sureka for R2
(All CMAs)

COMMON JUDGMENT

CMA No.734 of 2024, has been filed by the sons of the deceased, CMA No.736 of 2024, has been filed by the daughters and the son of the deceased, CMA Nos.735 and 738 of 2024, have been filed by the injured, seeking for enhancement of compensation.

2.The case of the claimants is that on 09.04.2021, the claimants were travelling in an auto at Jayankondam – Trichy Road and at about 9.50 hours when the autorickshaw was going near Udayarpalayam, the offending vehicle which was an Omni Van was driven in a rash and negligent manner and it dashed on the autorickshaw, as a result of which, Chithra @ Sundari and Pounammal died in the accident due to the fatal injuries sustained by them. The other two claimants sustained injuries. It is under these circumstances, four claim petitions came to be filed before the Tribunal in MCOP Nos.90, 92, 91 and 93 of 2021.



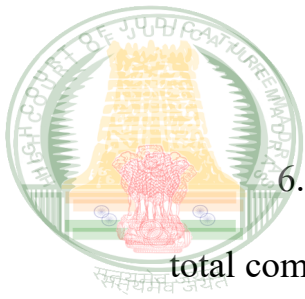
3.The Tribunal on considering the facts and circumstances of the case and on appreciation of the evidence came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle.

4.The Tribunal having rendered the above finding, fixed the total compensation in MCOP No.90 of 2021 at Rs.7,14,564/- under the following heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of Income	6,81,564/-
Love and affection	16,500/-
Funeral Expenses	16,500/-
Total	7,14,564/-

5. Insofar as MCOP No.92 of 2021 is concerned, the Tribunal fixed the total compensation at Rs.1,24,780/- under the following heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Disability (10% x 3000/-)	30,000/-
Extra Nourishment	5,000/-
Transport charges	5,000/-
Damages to cloths	1,000/-
Medical expenses	61,280/-
Loss of income (7,500 x 3)	22,500/-
Total	1,24,780/-



6. Insofar as MCOP No.91 of 2021 is concerned, the Tribunal fixed the total compensation at Rs.1,53,000/- under the following heads as follows:

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Compensation awarded under the head	Amount (in Rs.)
Loss of Income	1,20,000/-
Love and affection	16,500/-
Funeral Expenses	16,500/-
Total	1,53,000/-

7. Insofar as MCOP No.93 of 2021 is concerned, the Tribunal fixed the total compensation at Rs.76,258/- under the following heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Disability (13% x 3000/-)	39,000/-
Extra Nourishment	5,000/-
Transport charges	5,000/-
Damages to cloths	1,000/-
Medical expenses	3,758/-
Loss of income (7,500/- x 3)	22,500/-
Total	76,258/-

8. The above compensation was directed to be paid by the insurance company along with interest at the rate of 7.5% p.a. Aggrieved by the same, these appeals have been filed before this Court seeking for enhancement of compensation.



9. Heard the learned counsel for the appellants and the learned counsel for the 2nd respondent/Insurance Company.

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10. Insofar as the fatal cases are concerned, the learned counsel for the appellant submitted that in CMA No.734 of 2024, the Tribunal had fixed only a sum of Rs.6,553/- as monthly income while fixing the compensation under the head of loss of dependency for an accident which took place in the year 2021. Insofar as CMA No.736 of 2024, is concerned it is submitted that no compensation was fixed under the head of 'loss of dependency'. The grievance insofar as injury cases are concerned is that the compensation fixed under various heads is on the lower side.

11. Insofar CMA No.734 of 2024 is concerned the same has been filed against MCOP No.90 of 2021. The Tribunal while fixing the compensation under the head 'loss of income' took into consideration the salary certificate that was marked as Ex.P.4 and fixed a sum of Rs.6,553/- as monthly income. There is no scope for any increase in the monthly income since even as per document filed by the claimants, that was the monthly income that was earned by the deceased. Even otherwise, the claimants in this case are aged about more than 30 years and it has not been established that they were entirely dependent on the income of the deceased. In view of the same, this Court finds that the compensation that has been fixed under various heads by the Tribunal is just



and reasonable and it does not require the interference of this Court.

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12. Insofar as CMA No. 736 of 2024 is concerned, the claimants therein were two married daughters and a son aged about 40 years. The Tribunal found that there was absolutely no material to establish that these three claimants were dependent on the income of the deceased. Hence, the Tribunal did not fix any compensation under the head of 'loss of income'. This finding rendered by the Tribunal does not suffer from any perversity warranting the interference of this Court. The compensation that has been fixed under the other heads are just and reasonable and it does not require the interference of this Court.

13. Insofar as CMA No. 735 of 2024, is concerned, that was a case where the injured had sustained fracture and the medical board had assessed the disability at 10% under Ex.C-1. The Tribunal had adopted the percentage method and fixed only a sum of Rs.3,000/- per percentage. The accident had taken place in the year 2021 and hence, this Court is inclined to fix a sum of Rs.10,000/- per percentage and accordingly, the compensation under the 'head of disability' is fixed at Rs.1,00,000/- [10,000 x 10%]. This Court also takes into consideration the fact that the claimant was treated as an inpatient for nearly six days and accordingly, the compensation under the head of 'extra nourishment' is enhanced to Rs.10,000/-, Transportation charges is enhanced to Rs.7,500/- and the loss of income is also enhanced to Rs.30,000/- (Rs.10,000 x



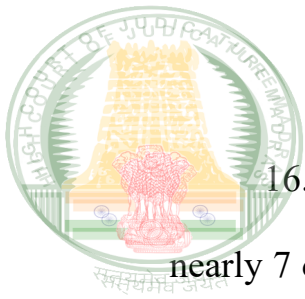
3 months). The Tribunal has not granted any compensation under the head of pain and sufferings and this Court is inclined to fix Rs.10,000/- under that head.

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14. 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.)
Disability (10,000x10%)	1,00,000/-
Extra Nourishment	10,000/-
Transportation charges	7,500/-
Damages to cloths	1,000/-
Medical Expenses	61,280/-
Loss of Earnings	30,000/-
Pain and Sufferings	10,000/-
Total :	2,19,780/-

15. CMA No.738 of 2024, is concerned, the Medical Board had assessed the disability at 13%. The Tribunal had adopted the percentage method and fixed only Rs.3,000/- per percentage which is on the lower side. Considering the fact that the accident had taken place in the year 2021, this Court is inclined to fix Rs.10,000/- per percentage. Accordingly, the compensation under the head of 'disability' is fixed at Rs.1,30,000/- (Rs.10,000x13%).



16. In this case, the claimant had undergone treatment as an inpatient for nearly 7 days. Hence, this Court is inclined to enhance the compensation under the heads of extra nourishment to Rs.10,000/-, Transportation charges to Rs.7,500/- and loss of income to Rs.30,000/- [Rs.10,000/- x 3 months]. The Tribunal has not granted any compensation under the head pain and sufferings and this Court is inclined to fix Rs.15,000/- under this head.

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

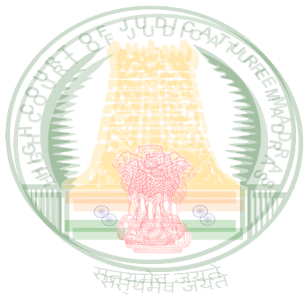
Compensation awarded under the head	Amount (in Rs.)
Disability (10,000x13%)	1,30,000/-
Extra Nourishment	10,000/-
Transportation charges	7,500/-
Damages to cloths	1,000/-
Medical Expenses	3,758/-
Loss of Earnings	30,000/-
Pain and Sufferings	15,000/-
Total :	1,97,258/-

18. In the result, CMA Nos.734 and 736 of 2024, stands dismissed and award passed in MCOP Nos.90 & 91 of 2021, are confirmed. No costs.

19. Insofar as CMA Nos. 735 and 738 of 2024 in MCOP Nos.92 & 93 of 2021, are concerned, these appeals are partly allowed in the above terms. No costs.



20. The compensation awarded by the Tribunal in CMA No.735 of 2024 in MCOP No.92 of 2021 is enhanced from Rs. 1,24,780/- to 2,19,780/- and CMA No.738 of 2024 in MCOP No.93 of 2021, is enhanced from Rs.76,258/- 1,97,258/-. The 2nd 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 is concerned, the deficit court fee, if not paid, shall be paid by the appellant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. The guidelines issued by the Division Bench of this Court in CMA No.2064 of 2026, dated 08.07.2026 shall be strictly complied with respect to disbursement of the compensation amount to the claimants. The guidelines issued by the Division Bench of this Court in CMA No.2064 of 2026, dated 08.07.2026 shall be strictly complied with respect to disbursement of the compensation amount to the claimants.



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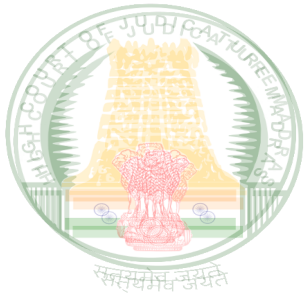
N.ANAND VENKATESH J.

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To

The Motor Accident Claims Tribunal
(Principal District and Sessions Court) Ariyalur.

**CMA Nos. 734, 735, 736
and 738 of 2024**



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