



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.2180 of 2026

1. Santhi
W/o.Subramanian
2. Chitra
W/o.Balasubramaniam
3. Kavitha
W/o.Naresh

..Appellants

Vs

1. P.Thangababu
2. The Manager,
Iffco Tokio General Insurance Co. Ltd.,
Iffco Bhavan, 4th Floor,
No.128, Habibullah Road,
T.Nagar, Chennai 600 017.
Policy No.1-21ZZYTBA P400/MQ760647
Valid from 18.09.2022 to 17.09.2023

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment dated 17.12.2025, passed in MCOP No.1280 of 2023, on the file of the Motor Accident Claims Tribunal (VI Court of Small Causes) Chennai.

For Appellants : Mr.K.Balaji

For Respondents : Mr.S.Srinivasan [R2]



JUDGMENT

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This appeal has been filed against the judgment of the Motor Accident Claims Tribunal, VI Court of Small Causes, Chennai, passed in M.C.O.P.No.1280 of 2023 dated 17.12.2025, wherein the claimants are seeking enhancement of compensation.

2. The first claimant is the wife and the claimants 2 and 3 are the married daughters of the deceased. The deceased was travelling in a two wheeler on 28.12.2022 at Chennai Salem Highways and at about 22 hours near the land belonging to one Suburayalu, the offending vehicle, a van, was driven in a rash and negligent manner and dashed against the two wheeler as a result of which the deceased sustained serious injuries and died on the spot. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking 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 due to the rash and negligent driving on the part of the driver of the offending vehicle. However, the Tribunal found that the deceased did not have a valid driving license and attributed 10% contributory negligence. Having rendered the above finding, the Tribunal proceeded to



determine the compensation amount in the following manner:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of dependency	14,25,600/-
2.	Loss of consortium	1,32,000/-
3.	Loss of estate	16,500/-
4.	Funeral expenses	16,500/-
5.	Medical bills	Nil
	Total	15,90,600/-

From the above compensation, 10% was deducted and a sum of Rs.14,31,540/- 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 seeking enhancement of compensation.

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

5. The Tribunal, on appreciation of evidence, has rendered a finding 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 held so, the Tribunal attributed 10% contributory negligence only on the ground that the deceased did not possess a driving license at the time of accident and it is now too well



settled that mere non-possession of driving license would not automatically result in attributing contributory negligence. Useful reference can be made to the judgment of the Apex Court in ***Dinesh Kumar J. v. National Insurance Company Limited and others [(2018) 1 SCC 750]***.

6. Coming to the compensation granted to the Tribunal, the Tribunal has fixed the notional monthly income of the deceased at Rs.18,000/- and determined the compensation under the head 'loss of dependency'. In the case in hand, the accident had taken place during December'2022 and the deceased left behind his wife and two married daughters. Considering the same, this Court is inclined to fix the notional monthly income at Rs.20,000/-. Thus, the compensation under the head 'loss of dependency' is calculated as follows:

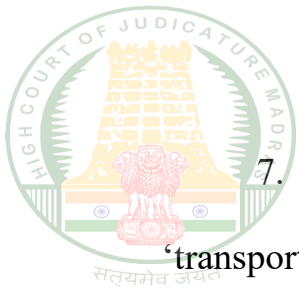
Monthly Income	:	Rs. 20,000/-
Add: 10% future prospects	:	Rs. 2,000/-

		Rs. 22,000/-
Less: Personal expenses (1/3)	:	Rs. 7,333/-

		Rs. 14,667/-
		x 12

Annual income	:	Rs.1,76,004/-
Multiplier	:	x 9

Loss of income	:	Rs.15,84,036/-



7. The Tribunal has not granted any compensation under the head ‘transport charges’ and hence, this Court is inclined to fix a sum of Rs.10,000/- under such head.

8. The compensation fixed under the other heads is reasonable and does not require the interference of this Court.

9. 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 dependency	14,25,600/-	15,84,036/-
2.	Loss of consortium	1,32,000/-	1,32,000/-
3.	Loss of estate	16,500/-	16,500/-
4.	Funeral expenses	16,500/-	16,500/-
5.	Transport charges	-	10,000/-
6.	Medical bills	-	-
	Total	15,90,600/-	17,59,036/-
	Less: 10% contributory negligence	1,59,060/-	-
	Compensation payable	14,31,540/-	17,59,036/-
	Rounded off to		17,59,000/-

10. The compensation awarded by the Tribunal at Rs.14,31,540/- is enhanced to Rs.17,59,000/-. The second respondent insurance company is



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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 appellants/claimants are entitled to withdraw their respective shares on due application. 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.

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

16-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To
The Motor Accident Claims Tribunal,
VI Court of Small Causes,
Chennai.

Civil Miscellaneous Appeal No.2180 of 2026