



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 1673 of 2026

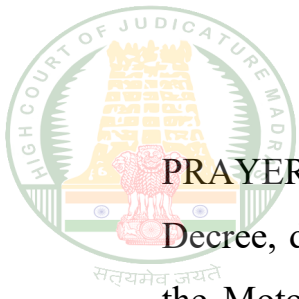
1. R.Latha
W/o. Radhakrishnan
No.178, Sathiyavani Muthu Street
Kakkanji Colony, B Block
Vyasarpadi, Chennai 39
2. R.Radhakrishnan
S/o. Rathinaswamy
No.178, Sathiyavani Muthu Street
Kakkanji Colony, B Block
Vyasarpadi, Chennai 39
3. R.Dhinesh
S/o. Radhakrishnan
No.178, Sathiyavani Muthu Street
Kakkanji Colony, B Block
Vyasarpadi, Chennai 39

..Appellant(s)

Vs

1. Devi Surya Prakash
No. 60, Venkata Maistry Street
Mannady, Chennai 1
2. The New India Assurance Co Ltd.
No.232, New No.6, N.S.C Bose Road
6th Floor, Bombay Mutual Building
Chennai 1

..Respondent(s)



PRAYER: To enhance the compensation awarded in the Judgment and Decree, dated 07.07.2023 passed in M.C.O.P. No. 6130 of 2018, on the file of the Motor Accidents Claims Tribunal (Chief Judge, Court of Small Causes), Chennai.

For Appellant(s): Mr.K.Balaj

For Respondent(s): M/s.A.Salomi, For R2
R2 – Exparte

JUDGMENT

This appeal has been filed against the award passed by the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai made in M.C.O.P.No.6130 of 2018, dated 07.07.2023, wherein the claimants are seeking for enhancement of compensation.

2. The first claimant is the mother, the second claimant is the father and the third claimant is the brother of the deceased Prakash @ Divakar. On 11.05.2018, the deceased was riding a two-wheeler at Manjambakkam 200 feet road and at about 16.00 hours, the offending vehicle which is a lorry was driven in a rash and negligent manner and it hit the two-wheeler, as a result of which, the claimant was thrown out of the vehicle and he sustained grievous injuries and succumbed to the injuries. It is under these circumstances, the Claim Petition came to be filed before the Tribunal.



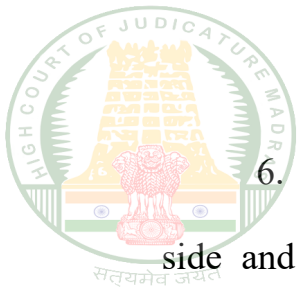
3. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the offending vehicle.

4. The Tribunal having rendered the above finding, fixed the total compensation at Rs.13,19,600/- under the following heads:

<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of income / Dependency	Rs.12,09,600/-
2.	Loss of Estate	Rs.15,000/-
3.	Loss of Consortium	Rs.80,000/-
4.	Funeral Expenses	Rs.15,000/-
	Total	Rs.13,19,600/-

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 approached this Court seeking for enhancement of compensation.

5. This Court heard the learned counsel for appellants and the learned counsel for second respondent Insurance Company.



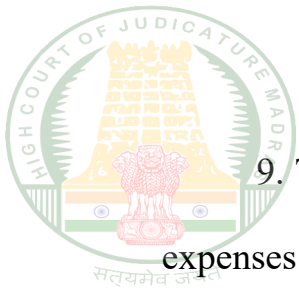
6. This Court has carefully considered the submissions made on either side and the materials available on record. This Court also carefully went through the award passed by the Tribunal.

7. In the case in hand, the deceased was aged about 22 years and he is said to be an Auto driver. The accident had taken place in the year 2018. The parents were the dependents on the income earned by the deceased. The Tribunal had fixed the notional monthly income of Rs.8,000/- which is on the lower side. This Court is inclined to fix the notional monthly income at Rs.16,000/-. Accordingly, the compensation under the head of loss of income is calculated as follows:

Monthly income	:	Rs.16,000/-
Add 40% Future prospects	:	Rs.6,400/-
Total Income	:	Rs.22,400/-

Total Loss of Income / Dependency is calculated at Rs.24,19,200/- [Rs.22,400/- x 12 x 18 x 1/2].

8. Insofar as the compensation towards loss of consortium, the Tribunal had confined it to the parents and did not grant any compensation to the third claimant who is the brother. In view of the same, this Court is inclined to fix the loss of consortium at Rs.1,20,000/- (Rs.40,000/- x 3).

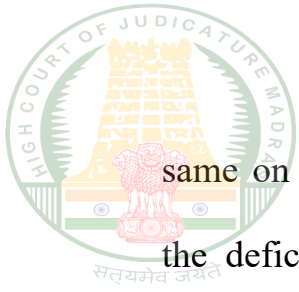


9. The Tribunal has not granted any compensation towards transportation expenses and this Court is inclined to fix a sum of Rs.10,000/- towards transportation expenses. The compensation awarded under the other heads are reasonable and does not require any interference of this Court.

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

<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 Income / Dependency	Rs.12,09,600/-	Rs.24,19,200/-
2.	Loss of Estate	Rs.15,000/-	Rs.15,000/-
3.	Loss of Consortium	Rs.80,000/-	Rs.1,20,000/-
4.	Funeral Expenses	Rs.15,000/-	Rs.15,000/-
5.	Transportation Expenses	---	Rs.10,000/-
	Total	Rs.13,19,600/-	Rs.25,79,200/-

11. The compensation awarded by the Tribunal at Rs.13,19,600/- is enhanced to Rs.25,79,200/-. The second 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 six (6) weeks from the date of receipt of this judgment and on such deposit, the claimants are entitled to withdraw the



same on due application. 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. It is made clear that the Tribunal itself has ordered for pay and recover and the same is sustained.

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

03-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To:

1. The Motor Accident Claims Tribunal,
Chief Judge, Court of Small Causes,
Chennai.

2. The Section Officer,
V.R. Section,
High Court of Madras.



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N.ANAND VENKATESH, J.

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