



WEB COPY

C.M.A.Nos.2703 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

C.M.A.Nos.2703 of 2026

&

C.M.P.No.20796 of 2026

The Branch Manager
Oriental Insurance Company Limited
Motor Third Party Claims Cell
G.S.T.Road, Chelgalpattu – 603 001

..Appellant

Vs.

1. Sangeetha
W/o.Ramachandran

2. Lakshaya (Minor)
D/o.Ramacahndran

3. Venkateswaran (Minor)
S/o.Ramachandran
(Respondents 2 and 3, minors are represented by
mother and next friend 1st respondent)

4. Kantha
W/o.Duraikannu

5. Duraikannu
S/o.Ponusamy

6. Sridharan
S/o.Venkatrayalu

..Respondents



Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the award passed in M.C.O.P.No.103 of 2018 dated 29.07.2025 on the file of Motor Accident Claims Tribunal, Additional District Court, Chengalpattu.

For Appellant(s): Mr.B.Raghavan
for M/sM.B.Gopalan Associates
For Respondent(s): Dr.S.S.Swaminathan
for R1 to R5

JUDGMENT

(Judgment of the Court was delivered by N.Sathish Kumar J.)

This appeal has been filed by the Insurance Company challenging the quantum of compensation awarded by the Tribunal in M.C.O.P.No.103 of 2018 dated 29.07.2025 on the file of Motor Accident Claims Tribunal, Additional District Court, Chengalpattu.

2. The claimants are the wife, children and parents of the deceased Ramachandran. It is stated in the claim petition that on 25.06.2017 at about 06.45pm, when the deceased was riding his Hero Honda Splender motorcycle bearing Registration No.TN-19-K-4226 from Pondicherry to Kadambadi Village near Kadambadi bus stop on ECR Road, a car bearing Registration No.TN51-AB-3638, which was driven by its driver in a rash and negligent manner, came at high speed and dashed against the two wheeler as a result of which the deceased sustained fatal injuries and despite treatment, he died on 26.06.2017. Hence, the legal heirs of the deceased have filed a claim petition



seeking compensation. According to the claimants, the deceased was employed as a contract labourer in Oracid Chemical Pharmasticals Ltd., Alandur and was earning a monthly income of Rs.13,348/-.

3. The first respondent resisted the claim stating that since the car is insured with the second respondent-Insurance Company and the insurance was in force, only the second respondent Insurance Company is liable to pay the compensation and he is the unnecessary party to the litigation. It is the further case of the first respondent that the accident had occurred only due to the negligence on the part of the rider of the two wheeler and hence, sought for dismissal of the claim petition.

4. The claim was resisted by the second respondent-Insurance Company contending that there was no valid R.C and F.C for the first respondent's car at the time of accident and hence, they are not liable to pay the compensation. It is also the case of the second respondent that the first respondent has not complied with the statutory demand and hence, sought for dismissal of the claim petition.

5. Before the Tribunal, on the side of the claimants PWs 1 to 3 were examined and Exs.P1 to P6 were marked. No oral or documentary evidence was adduced on the side of the respondents.



6. The Tribunal, on appreciation of oral and documentary evidence, came to the conclusion that only the driver of the offending vehicle drew the vehicle in a rash and negligent manner and awarded the compensation as follows:

SI.No.	Heads of Compensation	Amount in Rs.
1	Loss of Income	Rs.30,49,715.00
2	Loss of Consortium	Rs.2,00,000.00
3	Funeral Expenses	Rs.15,000.00
4	Loss of Estate	Rs.15,000.00
5	Transporting charges	Rs. 5,000.00
	Total	Rs.32,84,715.00

The said sum was directed to be paid together with interest at 7.5% p.a. from the date of claim petition till the date of realization. Challenging the quantum of compensation awarded by the Tribunal, the present appeal has been filed by the Insurance Company.

7. The only contention of Mr.M.B.Raghavan, learned counsel appearing for the second respondent Insurance Company/appellant is that as per the dictum laid down by Hon'ble Supreme Court in **Sarla Verma Vs. DDC** reported in **(2009) 6 SCC 121**, if the dependents are more than 4 to 6, only 1/4 deduction has to be made towards personal expenses whereas in the instant case, the Tribunal has erroneously deducted 1/5th and the same needs modification. The learned counsel drew the attention of this Court to Paragraphs 30 to 31 of **Sarla Verma** case and the same read as follows:

“30. Though in some cases the deduction to be made towards personal and living expenses is calculated on the basis of units



WEB COPY



indicated in *Trilok Chandra*, the general practice is to apply standardized deductions. Having considered several subsequent decisions of this court, we are of the view that where the deceased was married, the deduction towards personal and living expenses of the deceased, should be one-third ($1/3^{\text{rd}}$) where the number of dependent family members is 2 to 3, one-fourth ($1/4^{\text{th}}$) where the number of dependant family members is 4 to 6, and one-fifth ($1/5^{\text{th}}$) where the number of dependant family members exceed six.

31. Where the deceased was a bachelor and the claimants are the parents, the deduction follows a different principle. In regard to bachelors, normally, 50% is deducted as personal and living expenses, because it is assumed that a bachelor would tend to spend more on himself. Even otherwise, there is also the possibility of his getting married in a short time, in which event the contribution to the parent/s and siblings is likely to be cut drastically. Further, subject to evidence to the contrary, the father is likely to have his own income and will not be considered as a dependant and the mother alone will be considered as a dependent. In the absence of evidence to the contrary, brothers and sisters will not be considered as dependents, because they will either be independent and earning, or married, or be dependant on the father.

32. Thus even if the deceased is survived by parents and siblings, only the mother would be considered to be a dependant, and 50% would be treated as the personal and living expenses of the bachelor and 50% as the contribution to the family. However, where family of the bachelor is large and dependant on the income of the deceased, as in a case where he has a widowed mother and large number of younger non-earning sisters or brothers, his personal and living expenses may be restricted to one-third and contribution to the family will be taken as two-third.

8. Dr.S.S.Swaminathan, learned counsel, who took notice on behalf of



Respondents 1 to 5/claimants, also does not dispute the legal position in this regard.

WEB COPY

9. In view of the above submission, the loss of dependency is re-calculated as follows:

Loss of Dependency

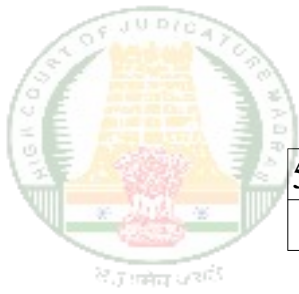
Monthly Income of the deceased	= Rs. 13,348/-
Add: 40% future prospects	Rs. 5,339/-

	Rs. 18,687/-
Annual Income of the deceased (Rs.18,687 x 12)	Rs.2,24,244/-
Less:	
Personal Expenses (1/4)	Rs. 1,68,183/-
Multiplier	17
(Rs.13,348/-+ 40%)x12x17x1/4)	Rs.28,59,111/-

In all other aspects, the award of the Tribunal is hereby confirmed.

13. Accordingly, the modified compensation payable would be:

Sl.No.	Heads of compensation	Amount (Rs.)
1	Loss of Dependency (Rs.13,348/-+ 40%)x12x17x1/4)	28,59,111/-
2	Loss of Consortium	2,00,000/-
3	Funeral Expenses	15,000/-
4	Loss of Estate	15,000/-



5	Transport	5,000/-
	Total	Rs.30,94,111/-

WEB COPY

Accordingly, this Civil Miscellaneous Appeal is partly allowed. The compensation of Rs.32,84,715/- awarded by the Tribunal is hereby reduced to Rs.30,94,111 /- [Rupees Thirty Lakhs Ninety Four Thousand One Hundred and Eleven]. The second respondent Insurance Company/appellant is directed to deposit the compensation amount of Rs.30,94,111/-, less the amount already deposited, together with proportionate interest and cost, within a period of four weeks from the date of receipt a copy of this judgment. If any amount has been deposited by the second respondent Insurance Company/appellant in excess of the compensation now granted by this Court, the second respondent Insurance Company/appellant is entitled to withdraw the same with interest. No costs. Consequently, the connected miscellaneous petition is closed.

(N.S.K.,J.) (M.J.R.,J.)
07.08.2026

Index: Yes/No
Neutral Citation: Yes/No
gpa



WEB COPY

C.M.A.Nos.2703 of 2



**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

gpa

C.M.A.Nos.2703 of 2026

07.08.2026