



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CMA No. 118 of 2023

1. Muthulakshmi
W/O late S.Murali

2. M.Karthikeyan (minor)
S/o late S.Murali

3. M.Sandhiya (Minor)
D/O late S.Murali

4. S.Bharathi
W/O Selvaraj

..Appellant(s)

Vs

1. B.S.Transport
No.7/27, Samy Reddy Kandigai,
Gummudipundi, Thiruvallur District,

2.The Oriental Insurance Company
Ltd.,
Third Party Claim Cell, Broadway,
Chennai-600 001

Respondent(s)

PRAYER

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, appeal against the judgment and decree passed in MCOP No.1522 of 2019 dated 16.04.2021, on the file of the Motor Accident Claims Tribunal (Chief Judge Court, Small Causes Court) Chennai.

For Appellant(s): Mr.V.Sivakumar

For Respondent(s): D.Bhaskaran for R2



JUDGMENT

This appeal has been filed against the award passed by the Motor Accident Claims Tribunal (Chief Judge Court, Small Causes Court) Chennai in MCOP No.1522 of 2019 dated 16.04.2021, wherein the claimants are seeking for enhancement of compensation.

2.The 1st claimant is the wife, the 2nd and 3rd claimants are the children and the 4th and 5th claimants are the parents of the deceased Murali. The case of the claimants is that on 17.02.2019, the deceased was riding a two wheeler from Ponneri to Sathiyavedu and at about 13.00 hours when the two wheeler was near the bus stop, the offending vehicle which was a lorry was driven in a rash and negligent manner and it came from the opposite direction and dashed on the two wheeler as a result of which, the deceased was struck under the vehicle and he sustained grievous injuries and he 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 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. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.24,80,000/- under the following heads:



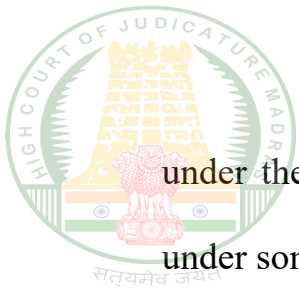
<i>Sl.No</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Towards loss of dependency 20,000 x 12 x 13 x 3/4	23,40,000/-
2	Towards Funeral Expenses	15,000/-
3	Towards Consortium	25,000/-
4	Towards Loss of Love and Affection	1,00,000/-
	Compensation payable :	24,80,000/-

The compensation was directed to be paid along with interest at the rate of 7.5% p.a. Aggrieved by the same, the claimants have filed the present appeal seeking for enhancement of compensation.

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

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

6. The main ground that was urged is that the Tribunal while fixing the compensation under the head 'loss of dependency' fixed the monthly income at Rs.16,000/- and whereas PW.3 had been examined and Ex.P.8 was marked, which shows that the deceased received a monthly income of Rs.28,500/-. It is further contended that the Tribunal did not fix the appropriate compensation



under the head of loss of consortium and compensation has not been granted under some of the traditional heads.

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7. In the case in hand, even though PW.3 was examined and Ex.P.8 was marked, there was no material to show that the deceased in fact was receiving monthly salary of Rs.28,500/-. No salary register or bank statement or income tax returns of the deceased were filed. Therefore, the Tribunal had fixed the notional monthly income at Rs.16,000/-p.m. Considering the fact that the accident had taken place in the year 2019, this Court is inclined to fix the notional monthly income at Rs.18,000/- p.m. Consequently, the compensation under the head 'loss of dependency' is calculated as follows:

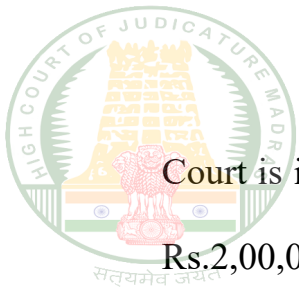
Monthly Income	: Rs.18,000/-
Add:25% future prospects	: Rs. 4,500/-

	Rs.22,500/-
	x12

Annual income	Rs. 2,70,000/-
Multiplier	x13

	Rs.35,10,000/-
Less : personal expenses ($\frac{3}{4}$)	: Rs.26,32,500/-

8. The Tribunal has granted the total compensation of Rs.1,25,000/- under the heads 'loss of consortium' and 'loss of love and affection'. Instead, this



Court is inclined to fix the compensation under the head 'loss of consortium' at Rs.2,00,000/- [Rs.40,000 x 5]

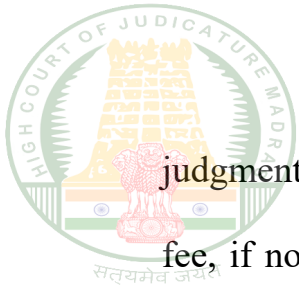
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9.This Court is also inclined to fix a sum of Rs.15,000/- under the head 'loss of estate' and a sum of Rs.10,000/- towards 'Transport Charges'.

10.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 awarded by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Towards loss of dependency 20,000 x 12 x 13 x 3/4	23,40,000/-	26,32,500/-
2	Towards Funeral Expenses	15,000/-	15,000/-
3	Towards Consortium	25,000/-	2,00,000/-
4	Towards Loss of Love and Affection	1,00,000/-	--
5.	Loss of Estate	--	15,000/-
6.	Transport Charges	--	10,000/-
	Compensation payable :	24,80,000/-	28,72,500/-

11.The compensation awarded by the Tribunal at Rs.24,80,000/- is enhanced to Rs.28,72,500/-. 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 six (6) weeks from the date of receipt of copy of this

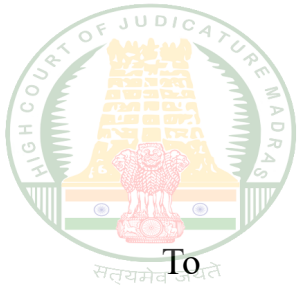


judgment. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

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

13-07-2026

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

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The Motor Accident Claims Tribunal

(Chief Judge Court, Small Causes Court) Chennai.



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N.ANAND VENKATESH J.

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