WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2196 of 2025
AND
CMP NO. 24438 OF 2023,CMA NO. 2647 OF 2023

1. V.Ranjini
Living in No.4/28, Kamaraj Nagar,
Killyanur, Vanur, Villupuram-604 102
and another

2. G Vijayakumar
Living in No.4/28, Kamaraj Nagar,
Killyanur, Vanur, Villupuram-604 102

Appellant(s)

Vs

1. G.Arivazhagan
No.1/121, Theruveethi Amman Koil
Street, Paraniputhur, chennai-600 122

2.Liberty Videocon General Insurance
Co.Ltd.,
2nd Floor, A-7, A-53, Second Avenue,
South Wing, Shriram House, Anna
Nagar East, Chennai - 102.

Respondent(s)

CMA No. 2647 of 2023

1. Liberty General Insurance Ltd
(Formerly Liberty Videoco General
Insurance Co. Ltd.) Anmol Palani
NO.88, G.N.Chetty Road, Level-4, Unit
No.ES and FS, T.Nagar,
Chennai-600017

Appellant(s)

Vs

WEB COPY

1. V.Ranjini
W/o.G.Vijayakumar, res at No.4/28,
Kamarajar Nagar, Kiliyanur, Vanur,
Villupuram-604102

2.G.Vijayakumar
S/o.Govindharajan, res at No.4/28,
Kamarajar Nagar, Kiliyanur, Vanur,
Villupuram-604102

3.G.Arivazhagan
1/121, Theruveethi Amman Koil Street,
Paraniputhur, Chennai-600122

Respondent(s)

CMA No. 2196 of 2025

PRAYER

To modify the impugned order and decree dated 04.07.2023 in MCOP No.6556 of 2019 on the file of Motor Accidents Claims Tribunal and Chief Judge, Small Causes Court, Chennai.

CMA No. 2647 of 2023

PRAYER

To set aside the Decree and Judgment dt. 04.07.2023 made in MCOP No.6556/2019, on the file of Motor Accident Claims Tribunal/Chief Judge, Court of Small Causes, Chennai

CMA No. 2196 of 2025

For Appellant(s): Mr.R.Dineshkumar

For Respondent(s): Mr.S.Dhakshanamoorthy For R2
R1 -ndw

CMA No. 2647 of 2023

For Appellant(s): Mr.S.Dhakshanamoorthy

For Respondent(s): Mr.R.Dineshkumar for R1 & R2
R3 - DW

WEB COPY

COMMON JUDGEMENT

C.M.A. No: 2196 of 2025 is an appeal filed by the claimants seeking enhancement of compensation awarded on 04.07.2023 in M.C.O.P. No: 6556 of 2019 on the file of the Motor Accident Claims Tribunal (Chief Judge), Chennai. The appellants had approached the Tribunal claiming a sum of Rs.25,00,000/- as compensation for the death of their son, who was aged 14 years at the time of the accident. The Tribunal, by fixing the annual income of the deceased at Rs.60,000/-, awarded a sum of Rs. 10,15,000/- as compensation to the appellants.

2. C.M.A. No: 2647 of 2023 is an appeal filed by the Insuance Company challenging the very same award granted on 04.07.2023 in M.C.O.P. No: 6556 of 2019 on the file of the Motor Accident Claims Tribunal (Chief Judge), Chennai.

3. A perusal of the grounds raised in the appeal filed by the Insurance Company viz. C.M.A. No: 2647 of 2023 makes it clear that the Insurance Company had not filed the appeal questioning the manner of the accident or the liability of the Insurance Company. It had only questioned the quantum fixed by the Tribunal. Hence, this Court is inclined to look into only the quantum arrived at by the Tribunal.

https://www.mhc.tn.gov.in/judis

WEB COPY

4. This Court had an occasion to consider a similar appeal in C.M.A. No: 2068 of 2023, which was also an appeal arising out of student. In that case, based on the Principle of Minimum Wage a motor accident claim relating to the death of a 13 year old Index for Skilled Workers, this Court had approved the notional income fixed by the Tribunal at Rs.11,000/- per month. Considering the fact that the deceased in the present case is also a student aged 14 years, the very same anology can be adopted and a sum of Rs.11,000/- can be fixed as the monthly income of the deceased.

5. Thus, by fixing the notional income of the deceased at Rs.11,000/-, considering the age of the deceased 40% is added towards future prospects. In the case of Rakesh Sharma and another vs. Ashok and others reported in 2025 SCC Online Delhi 1364 the High Court had adopted '18' as mulitiplier for the deceased aged below 15 years, which is scquarely applicable to the present case. Accordingly, after deducting 50% towards pesonal expenditure of the deceased, the loss of dependency is arrived at as follows:

Loss of Dependency:

11,000/-x40% = Rs.4,400/-(future prospects)

11,000/-+4,400=Rs.15,400/-

15,400/-50% (personal exp.) =Rs. 7,700/-

7,700/-x 12 x 18 = Rs.16,63,200/-(annual income x multiplier)

WEB COPY

Thus, the amount granted by the Tribunal under the head loss of dependency is enhanced from Rs.9,00,000/- to Rs. 16,63,200/-. In Tribunal, viz. towards Loss of Consortium Rs.80,000/-; towards Pain and Sufferings Rs.20,000/-: and towards Funeral Expenses Rs.15,000/- stands unaltered.

6. Accordingly, C.M.A. No. 2196 of 2025 stands allowed and the award granted by the Tribunal at Rs.10,15,000/- stands enhanced to Rs.17,78,200/-. The insurance company is directed to deposit the entire amount, now awarded by the Tribunal, with 7.5% interest, after deducting the amount, if any, deposited already, within a period of six weeks from the date of receipt of a copy of this order. The claimants are directed to pay the additional Court fee, if any, and the Registry is directed to draft the decree only after receipt of the additional court fee. Consequently, C.M.A. No: 2647 of 2023 filed by the insurance company is dismissed. Pending miscellaneous petition(s), if any, is/ are closed. There shall be no orders as to the costs.

28-08-2025

pbl
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
To
1. The Motor Accident Claims Tribunal (Chief Judge), Chennai.
2. The Section officer, V. R Section, High Court, Madras.

WEB COPY

T.V.THAMILSELVI J.
pbl

CMA No. 2196 of 2025
AND CMP NO. 24438
OF 2023,CMA NO. 2647
OF 2023

18.03.2026