



C.M.A.No.1489 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2026

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

C.M.A.No.1489 of 2026

1. Rajeswari
 2. Pugal
 3. Kalaiyarasi
- ... Appellants

Vs.

1. Gayathri Christina
 2. The Branch Manager,
ICICI Lombard General Insurance Company Limited,
2nd and 3rd Floor,
Nungambakkam High Road,
Chottabhai Centre,
Chennai – 600 034.
- ... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the compensation amount made in judgment and decree dated 13.10.2023 made in MCOP No.930 of 2020 on the file of the Motor Accidents Claims Tribunal, Special District Court, Krishnagiri.

For Appellants : Mr.S.P.Yuaraj

For Respondents : Mrs.R.Sreevidhya for R2



C.M.A.No.1489 of 2026

WEB COPY

JUDGMENT

This civil miscellaneous appeal has been filed by the appellants/claimants challenging the award passed by the learned District Judge, Special District Court, Motor Accidents Claims Tribunal, Krishnagiri, in MCOP No. 930 of 2020 dated 13.10.2023 wherein the claimants are seeking enhancement of compensation fixed by the Tribunal.

2. The first appellant is the wife of the deceased, Ravichandran and appellants 2 and 3 are his children. The case of the claimants is that on 01.12.2019, the deceased was riding his motorcycle on the Shoolagiri to Krishnagiri NH road and at about 6.30 a.m., when he was proceeding near Gollapalli, the offending vehicle, which was a car belonging to the first respondent, was driven in a rash and negligent manner and dashed on the rear side of the motorcycle. As a result, the deceased sustained fatal injuries and succumbed to injuries on the same day. A First Information Report came to be registered in Crime No.607 of 2019 against the driver of the offending vehicle. It is under these circumstances, the claim petition came to be filed before the Tribunal.



C.M.A.No.1489 of 2026

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. Having rendered the above finding, the Tribunal proceeded to fix the total compensation at Rs.15,95,000/- under various heads as follows:

<i>Sl.No.</i>	<i>Heads</i>	<i>Compensation awarded by the Tribunal (in Rs.)</i>
1.	Loss of Dependency	14,30,000
2.	Loss of Estate	16,500
3.	Funeral expenses	16,500
4.	Loss of Consortium	1,32,000
Total		15,95,000

The compensation was directed to be paid by the second respondent/Insurance Company along with interest at the rate of 7.5% per annum. Aggrieved by the same, the claimants have filed the present appeal seeking enhancement of compensation.



C.M.A.No.1489 of 2026

4. Heard Mr.S.P.Yuaraj, learned counsel for the appellants/claimants and Mrs.R.Sreevidhya, learned counsel for the second respondent/Insurance Company.

5. This Court, also carefully considered the materials available on record and went through the award passed by the Tribunal.

6. The bone of contention is with regard to the notional monthly income of the deceased fixed by the Tribunal and the future prospects that was added to the notional monthly income.

7. The accident in this case had taken place in the year 2019 and the claimants are the wife and children of the deceased and the Tribunal has proceeded to fix the notional monthly income of the deceased at Rs.11,000/-. The Tribunal also added 25% towards future prospects.

8. In the considered view of this Court, the notional monthly income fixed by the Tribunal is on the lower side since the accident had taken place in the year 2019. Hence, this Court is inclined to fix the notional monthly income of the deceased at Rs.17,000/-. The date of birth of the



C.M.A.No.1489 of 2026

deceased was 10.03.1969 and hence, the deceased completed 50 years.

Hence, the future prospects must be added at the rate of 10% and not 25% as shown in the award passed by the Tribunal.

9. Accordingly, the compensation under the head 'loss of dependency' is calculated as follows:

Monthly Income	:	Rs. 17,000/-
Add:10% future prospects	:	Rs. 1,700/-

		Rs. 18,700/-
Less: Personal expenses (1/3)	:	Rs. 6,233/-

		Rs. 12,467/-
		x 12

Annual income	:	Rs. 1,49,604/-
Multiplier	:	x 13

Loss of Dependency	:	Rs.19,44,852/-

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



C.M.A.No.1489 of 2026

WEB COPY 11. In the light of the above discussion, this Court modifies the compensation in the following manner:

<i>Sl.No.</i>	<i>Heads</i>	<i>Awarded by the Tribunal (in Rs.)</i>	<i>Modified by this Court (in Rs.)</i>
1.	Loss of Dependency	14,30,000	19,44,852
2.	Loss of Estate	16,500	16,500
3.	Funeral expenses	16,500	16,500
4.	Loss of Consortium	1,32,000	1,32,000
Total		15,95,000	21,09,852
Rounded off to			21,09,860

12. The compensation awarded by the Tribunal at Rs.15,95,000/- is enhanced to Rs.21,09,860/-. 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. Insofar as the enhanced compensation is concerned, the appellants/claimants will not be entitled for interest for the period of delay of 155 days as was ordered by this Court in C.M.P.No.19091



C.M.A.No.1489 of 2026

of 2024 in C.M.A.Sr.No.106515 of 2024 dated 20.04.2026. 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.

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

09.07.2026

Neutral Citation: Yes/No
ham

To

1. The District Judge,
Special District Court,
Motor Accidents Claims Tribunal,
Krishnagiri District.
2. The Section Officer,
VR Section,
High Court of Madras.



WEB COPY



C.M.A.No.1489 of 2026

N. ANAND VENKATESH, J.

ham

C.M.A.No.1489 of 2026

09.07.2026