



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

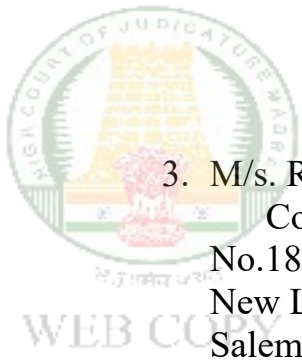
Civil Miscellaneous Appeal No.2475 of 2026

1. Rajalakshmi
W/o.Late Chidamparam
2. Minor Madhumitha
D/o.Late Chidamparam,
Minor Rep. by their Next
Friend/Guardian/Mother Rajalakshmi
3. Minor Madhumalar
D/o.Late Chidamparam,
Minor Rep. by their Next
Friend/Guardian/Mother Rajalakshmi
4. Minor Nithesh
D/o.Late Chidamparam,
Minor Rep. by their Next
Friend/Guardian/Mother Rajalakshmi
5. Lakshmi
W/o.Kuppusami
6. Kuppusami
S/o.Late Arumugam

..Appellants

Vs

1. Vinothkumar
S/o.Murugan
2. M/s.The Joint Director of Health Services
Care of State Head Operations GVK EMRI,
Having Office at Opp. to Kasi Vishwanath
Temple, DMS Campus, Teynampet,
Thiruvallur Taluk, Kancheepuram District.



3. M/s. Royal Sundaram General Insurance
Co. Ltd.,
No.186/5, 3rd Floor, Royal Towers,
New Lorry Stand Road, Meyyanur,
Salem.

..Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment dated 01.03.2023 made in MCOP No.114 of 2022 on the file of the Special District Court, MCOP Tribunal, Salem.

For Appellants : Mr.S.P.Yuaraj

For Respondents : Mr.S.Srinivasan [R3]

JUDGMENT

This appeal has been filed against the award passed by the learned Special District Judge, MCOP Tribunal, Salem, dated 01.03.2023 in M.C.O.P.No.114 of 2022 wherein the claimants are seeking enhancement of compensation.

2. The first claimant is the wife and claimants 2 to 4 are the minor children and claimants 5 and 6 are the parents of the deceased Chidamparam. The case of the claimants is that on 18.11.2021, the deceased was riding a two wheeler at Muthur to Kankeyam Main Road and at about 2.20 p.m., the deceased stopped his two wheeler near the Kankeyampalayam branch road, at which point of time the offending vehicle came in the opposite direction in a



rash and negligent manner and dashed against the two wheeler as a result of which the deceased was thrown out of the vehicle and he succumbed to the injuries. A First Information Report came to be registered against the driver of the offending vehicle in Crime No.1072 of 2021. 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 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 determine the compensation amount in the following manner:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of income	10,08,000/-
2.	Loss of love and affection	1,20,000/-
3.	Loss of consortium	40,000/-
4.	Funeral expenses	25,000/-
	Total	11,93,000/-

The above compensation was directed to be paid along with interest at 7.5% p.a. Aggrieved by the same, the present appeal has been filed by the claimants seeking compensation.



4. Heard learned counsel for appellants and learned counsel for third respondent insurance company. This Court also considered the materials available on record and carefully went through the award passed by the Tribunal.

5. The bone of contention is regarding monthly income fixed by the Tribunal while calculating the compensation under the head 'loss of income/dependency'. The accident had taken place in the year 2021. The Tribunal had fixed Rs.8,000/- including future prospects as the monthly income of the deceased, which is clearly on the lower side. The deceased was aged about 44 years and he had left behind nearly six dependents. Hence, this Court is inclined to fix the notional monthly income at Rs.18,500/- and 25% has to be added towards future prospects. In view of the above, the compensation under the head 'loss of income/dependency' is calculated as follows:

Monthly Income	:	Rs.	18,500/-
Add: 25% future prospects	:	Rs.	4,625/-

		Rs.	23,125/-
Less: Personal expenses (1/4)	:	Rs.	5,781/-

		Rs.	17,344/-
			x 12

Annual income	:	Rs.	2,08,128/-
Multiplier	:		x 14

Loss of dependency	:	Rs.	29,13,792/-



6. The Tribunal has granted a sum of Rs.1,20,000/- towards loss of love and affection and Rs.40,000/- towards loss of consortium. This Court is inclined to consolidate the same and grant a sum of Rs.2,40,000/- [40000 * 6] under the head 'loss of consortium'. The Tribunal has not granted any award towards 'loss of estate' and 'transport charges' and hence, a sum of Rs.15,000/- and Rs.10,000/- respectively is granted under such heads. The Tribunal has awarded a sum of Rs.25,000/- towards funeral expenses and the same is reduced to Rs.15,000/-.

7. The compensation awarded under the other heads are just and reasonable and do not require the interference of this Court.

8. 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 by the Tribunal (in Rs.)</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Loss of income	10,08,000/-	29,13,792/-
2.	Loss of love and affection	1,20,000/-	-
3.	Loss of consortium	40,000/-	2,40,000/-
4.	Funeral expenses	25,000/-	15,000/-
5.	Loss of estate	-	15,000/-
6.	Transport charges	-	10,000/-
	Total	11,93,000/-	31,93,792/-



9. The compensation awarded by the Tribunal at Rs.11,93,000/- is enhanced to Rs.31,93,792/-. The respondents 2 and 3 are directed jointly 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 four (4) weeks from the date of receipt of this judgment. On such deposit, the claimants are entitled to withdraw their respective share on due application. Insofar as the enhanced compensation of Rs.20,00,792/- is concerned, the appellants/claimants will not be entitled for interest for the delay period as was ordered by this Court in C.M.P.No.20532 of 2024 in C.M.A.Sr.No.112948 of 2024 dated 10.07.2026. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. The guidelines issued by the Division Bench of this Court in C.M.A.No.2064 of 2026, dated 08.07.2026 shall be strictly complied with respect to disbursement of compensation amount to the claimants.

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

06-08-2026

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



To

1. The Joint Director of Health Services,
Care of State Head Operations GVK EMRI,
Having Office at Opp. to Kasi Vishwanath Temple,
DMS Campus, Teynampet, Thiruvallur Taluk,
Kancheepuram District.
2. M/s. Royal Sundaram General Insurance Co. Ltd.,
No.186/5, 3rd Floor, Royal Towers,
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N.ANAND VENKATESH, J.

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