



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-07-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

CMA No. 2240 of 2022

1. V.Sudha

W/o Veeramuthu

2. Minor.V.Akash

S/o Veeramuthu

3. Minor.V.Balaji

S/o Veeramuthu,

4. Sembayee

W/o Kaliyaperumal

.... Appellant(s)

(Minor appellants 2 & 3 rep by

their Natural Guardian/Mother V.Sudha)

(All petitioners are residing at 251A, Mettu Street,
Adoor Agaram, Kurinjipadi Taluk 607302.

Vs

1. S.Selvam

S/o. Saminathan

2.Cholamandalam MS General

Insurance Co., Ltd.,

II Floor, Shaw Wallace Building, 154,

Thambu chetty Street, Parrys Corner,

Chennai 600001.

3.K.Dhakshanamoorthy

S/o Krishnamoorthy

4.United India Insurance Co ltd

3rd Party Service Hub,

Plot No 35,36,37,AR Plaza, 45 Feet

Road, Balaji Nagar Extn,Saram,

Puducherry 605011.

Respondent(s)



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Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, appeal against the judgment and decree in MCOP No.929 of 2018 dated 28.06.2022 on the file of the Motor Accidents Claims Tribunal/(1 st Additional District and Sessions Judge (FAC) Cuddalore.

For Appellant(s): Mrs.Ramya V.Rao

For Respondent(s): P.Sankaranarayanan for R4

Mrs.R.Sree Vidhya for R2

JUDGMENT

This appeal has been filed against the award passed by the Motor Accidents Claims Tribunal/(1st Additional District and Sessions Judge (FAC) Cuddalore in MCOP No.929 of 2018 dated 28.06.2022, wherein the claimants are seeking for enhancement of compensation fixed by the Tribunal.

2.The 1st claimant is the wife and the 2nd and 3rd claimants are the minor children and the 4th claimant is the mother of the deceased Veeramuthu. The case of the claimants is that the deceased Veerauthu was travelling as a passenger in the auto rickshaw belonging to the 1st respondent on 18.10.2017 and at about 18.30 hours, the auto rickshaw was driven in a rash and negligent manner and it dashed against the two wheeler. As a result of which, the auto rickshaw capsized and the deceased sustained fatal injuries and he succumbed



to the injuries. It is under these circumstances, the claim petition came to be filed before the Tribunal.

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3.The Tribunal, on considering the facts and circumstances of the case and on appreciation of evidence came to the conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the auto rickshaw. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.20,99,000/- under the following heads:

<i>Sl.No</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of Income	18,90,000/-
2.	Loss of spousal consortium to 1 st claimant	44,000/-
3.	Loss of parental consortium to 2 nd and 3 rd claimants (44,000x2)	88,000/-
4.	Loss of filial consortium to 4 th claimant	44,000/-
5.	Towards funeral expenses and loss of estate	33,000/-
	Total amount :	20,99,000/-

The compensation was directed to be paid along with interest at the rate of 7.5% p.a.

4.The Tribunal found that the driver of the auto rickshaw did not possess a valid driving license and hence, the Tribunal applied the principal of pay and recover. Aggrieved by the same, the claimants have approached this Court seeking for enhancement of compensation.



5. Heard the learned counsel for the appellants and the learned counsel for the respondents 2 and 4/Insurance Companies.

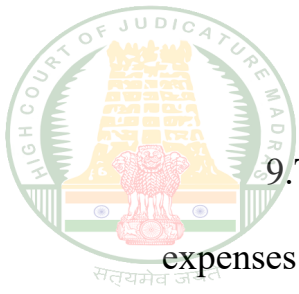
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6. This Court has carefully considered the submission made on either side and the materials available on record.

7. The bone of contention is on the compensation that has been fixed under the head of loss of earnings. The deceased was aged about 45 years and he left behind his wife, two minor children and the mother. He is said to be a rod-fitter by avocation. The Tribunal had fixed the notional monthly income at Rs.12,000/- while fixing the compensation under the head 'loss of income'. This Court is inclined to fix the notional monthly income at Rs.15,000/-. Accordingly, the compensation under the head 'loss of income' is calculated as follows:

$$\text{Rs.18,750/-} [(\text{Rs.15,000/-} \times (25\%))] \times 12 \times 14 \times 3/4 = 23,62,500/-$$

8. The Tribunal has granted a sum of Rs.44,000/- towards loss of spousal consortium to 1st claimant, Rs.88,000/- towards Loss of parental consortium to 2nd and 3rd claimants, Rs.44,000/- for Loss of filial consortium to 4th claimant. All these three heads are consolidated and a sum of Rs.1,60,000/- is fixed under the head of 'loss of consortium'.



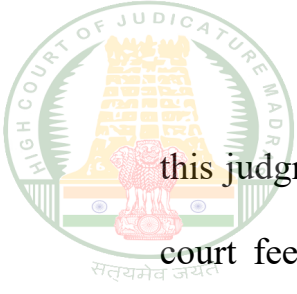
9.The Tribunal has awarded a sum of Rs.33,000/- towards funeral expenses and loss of estate and this Court is inclined to reduce the same to Rs.30,000/-. The Tribunal has not granted any compensation under the head of transportation charges and this Court is inclined to fix Rs.10,000/- under this head.

10.It goes without saying that the pay and recover ordered by the Tribunal is sustained.

11.In the light of the above discussion, the compensation fixed by the Tribunal is modified as follows:

<i>Sl. No.</i>	<i>Compensation awarded under the head</i>	<i>Amount awarded by this Court (in Rs.)</i>
1.	Loss of Income	23,62,500/-
2.	Loss of Consortium	1,60,000/-
3.	Towards funeral expenses and loss of estate	30,000/-
4.	Transportation Charges	10,000/-
	Total :	25,62,500/-

12.The compensation awarded by the Tribunal at Rs.20,99,000/- is enhanced to Rs.25,62,500/-. 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 a copy of

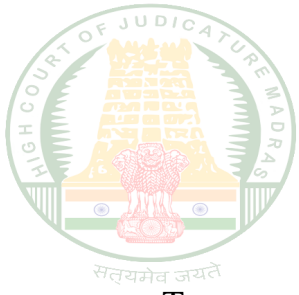


this judgment. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

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

27-07-2026

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

The Motor Accidents Claims Tribunal/
(1st Additional District and Sessions Judge (FAC) Cuddalore.



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N.ANAND VENKATESH J.

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