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CMA.No.2796 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.2796 of 2022

1. J.Rajalakshmi
W/O. Jayakumar,
residing at No.4,
Perumal Koil Street,
Thirubuvanai Village,
Puducherry- 605107.
2. Minor J.Lalitha
D/O. Jayakumar,
residing at No.4,
Perumal Koil Street,
Thirubuvanai Village,
Puducherry- 605107.
(Minor rep.by her natural
guardian/mother J.Rajalakshmi)
3. Minor J.Harish
S/O. Jayakumar,
residing at No.4,
Perumal Koil Street,
Thirubuvanai Village,
Puducherry- 605107.
(Minor rep.by his natural
guardian/mother J.Rajalakshmi)

...Appellants

Vs

1. K.Dhanapal, S/O. Krishna Nadar,



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Katha No.260/267/7, Door No. 48/7,
Singasandra, Hosur Main Road,
Bangalore – 560068.

2. The New India Insurance Co.Ltd.,
No.45, II Line Beach, Moores Street,
Chennai-600001.

...Respondents

APPEAL under Section 173 of the Motor Vehicles Act, 1988
against the judgment and decree dated 02.3.2022 made in M.C.O.P.
No.3292 of 2016 on the file of the Motor Accident Claims Tribunal/
Special Sub-Court No.2 to deal with MCOP Cases), Court of Small
Causes, Chennai.

For Appellants:	Ms.Ramya V.Rao
For Respondents:	Ms.R.Rathnathara for R2 Not ready in notice regarding R1

JUDGMENT

This appeal has been filed by the appellants – claimants
against the award dated 02.3.2022 made in M.C.O.P.No.3292 of
2016 on the file of the Motor Accident Claims Tribunal/Special Sub-
Court No.2 to deal with MCOP Cases), Court of Small Causes,
Chennai (for short, the Tribunal below) wherein they are seeking for
enhancement of compensation.



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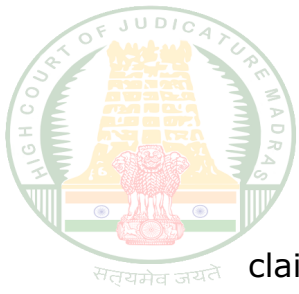
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2. Heard the learned counsel for the appellants – claimants and the learned counsel appearing for the second respondent.

3. The first appellant – first claimant is the wife; second claimant is the minor daughter; and the third claimant is the son of one Mr.B.Jayakumar (since deceased).

4. The case of the appellants – claimants is as follows:

(i) On 25.11.2015, the said Mr.B.Jayakumar was riding a two wheeler and was proceeding from Puducherry to Villupuram NH and at about 9.30 PM, when he was near L.R.Palayam Checkpost, the offending vehicle, which was a lorry, was said to have been driven in a rash and negligent manner and dashed on the two wheeler ridden by the said Mr.B.Jayakumar, as a result of which, he was thrown out of the two wheeler, sustained fatal injuries and later, succumbed to the injuries on 30.11.2015. The first respondent is the owner of the offending vehicle and the second respondent is its insurer. A first information report came to be filed in Crime No.1111 of 2015 on the file of Valavanur Police Station, Villupuram District against the driver of the offending vehicle. It was under those circumstances, the



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claim petition came to be filed before the Tribunal below.

(ii) The Tribunal below, on considering the facts and circumstances of the case and on appreciation of the oral and documentary 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 offending vehicle.

(iii) Having rendered the above finding, the Tribunal below fixed the total compensation amount of Rs.15,50,000/- under the following heads:

<i>S.No.</i>	<i>Head</i>	<i>Amount</i>
1	<i>Loss of dependency</i>	<i>Rs.14,00,000/-</i>
2	<i>Loss of consortium</i>	<i>Rs. 1,20,000/-</i>
3	<i>Loss of estate</i>	<i>Rs. 15,000/-</i>
4	<i>Funeral expenses</i>	<i>Rs. 15,000/-</i>
	<i>Total</i>	<i>Rs.15,50,000/-</i>

(iv) The above total compensation amount was directed to be paid by the second respondent – Insurance Company along with interest at the rate of 7.5% per annum from the date of claim petition till date of realization. Aggrieved by that, the appellants – claimants are before this Court by filing this appeal seeking for enhancement of compensation.



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5. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record and more particularly the impugned award.

6. The bone of contention is regarding the notional monthly income fixed by the Tribunal below while calculating the compensation under the head 'loss of dependency'.

7. This Court finds some force in the said contention of the learned counsel for the appellants – claimants. The said Mr.B. Jayakumar was said to have done catering services and at the time of accident, he was aged about 38 years. He left behind his wife and two minor children. The accident took place in the year 2016. In view of the same, this Court is inclined to fix the notional monthly income at Rs.15,000/-. Consequently, the compensation under the head 'loss of dependency' is calculated as follows:

*"Rs.15,000/- + 25% of Rs.15,000/-
(future prospects) = Rs.18,750/-;*

*Total annual income = Rs.18,750/- X 12
(months) = Rs.2,25,000/-;*

After 1/3rd deduction towards personal



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expenses, the amount comes to Rs.1,50,000/-;

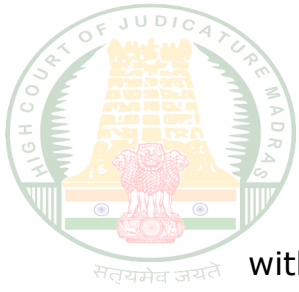
Applying 14 as multiplier, the compensation comes to Rs.21,00,000/- (Rs.1,50,000/- X 14)."

8. In the considered view of this Court, the compensation awarded under other heads is found to be just and reasonable and does not require the interference of this Court.

9. In the light of the above discussions, the above civil miscellaneous appeal is partly allowed and the award dated 02.3.2022 in MCOP.No.3292 of 2016 on the file of the Tribunal below is modified in the following manner :

S.No	Head	Amount awarded by the Tribunal below	Amount awarded by this Court in this appeal
1	Loss of dependency	Rs.14,00,000/-	Rs.21,00,000/-
2	Loss of consortium	Rs. 1,20,000/-	Rs. 1,20,000/-
3	Loss of estate	Rs. 15,000/-	Rs. 15,000/-
4	Funeral expenses	Rs. 15,000/-	Rs. 15,000/-
	Total	Rs.15,50,000/-	Rs.22,50,000/-

The above total compensation amount of Rs.22,50,000/- is directed to be deposited by the second respondent **less the amount already deposited** together with interest at the rate of 7.5% per annum from the date of claim petition till the date of realization,



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within six weeks from the date of receipt of a copy of this judgment.

By now, the minor children would have become majors. Hence, after deposit of the entire compensation amount to the extent indicated in this judgment, the appellants – claimants will be entitled to withdraw the entire enhanced amount together with accrued interest as per the proportion fixed by the Tribunal below. The guidelines issued by the Division Bench of this Court in CMA.No.2064 of 2026 dated 08.7.2026 shall be strictly complied with respect to disbursement of the compensation amount to the claimants. No costs.

27-07-2026

To

- 1.The Motor Accident Claims Tribunal/
Special Sub-Court No.2 to deal with
MCOP Cases, Court of Small Causes,
Chennai.
- 2.The New India Insurance Co.Ltd.,
No.45, II Line Beach, Moores Street,
Chennai - 600001.

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