



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2026

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THE HON'BLE MR JUSTICE N. ANAND VENKATESH

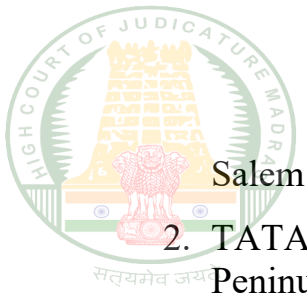
CMA No. 2076 of 2026

1. Jayanthi
W/o. Sekar,
Residing at No.3/98B,
Poosarivattam,
Thalavaipatty,
Jagir Ammapalayam,
Salem District
2. Vasanthi
W/o. chandramohan,
Residing at No.2/408,
Kolumikkadu,
Karuvakkalavadi,
salem District
3. Suganthi
W/o. Mahadevan,
Residing at No.1-1-337,
Ayyamarathur,
Thuttampatti Post,
Thesavilakku,
Omalur Taluk,
Salem District

..Appellant(s)

Vs

1. Dhanraj
S/o. Raji,
Residing at D.No.235A,
Pazhayvur Kattu Valavu,
A.Ayyamperumalpatti



2. TATA AIG General Insurance Company Ltd.,
Peninsular,
1304, Raheja Centre,
Mumbai, Maharashtra,
Having Branch office at No.225/2,
Sree Vedaths Vedaths Complex,
1st Floor, Itteri Road,
Meyyanur, Salem District

3. Agnes Shanthi
W/o. Victor,
Residing at No.C-142D,
West Colony,
old Suramangalam,
Salem District

..Respondent(s)

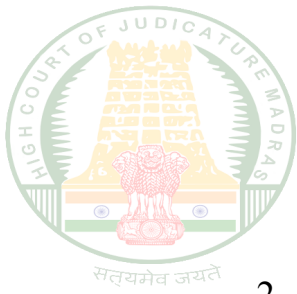
This Civil Miscellaneous petition filed under Section 173 of the Motor Vehicles Act, 1988 to allow the appeal and enhance the award dated 01-07-2023 in MCOP.No. 644 of 2021 on the file of the Motor Accident Claims Tribunal, Special District Judge, Salem.

For Appellant(s): M/s.R.Navaneetha Krishnan

For Respondent(s): M/s.S.Srinivasan For R2

Judgment

This Civil Miscellaneous Appeal has been filed by the claimants challenging the award passed by the Motor Accident Claims Tribunal, Special District Judge, Salem in MCOP No.644 of 2021 dated 01.07.2023, wherein the claimants are seeking for enhancement of compensation fixed by the Tribunal.



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2. The claimants are the daughters of the deceased Nainagounder @ Chinnapaiyan. The case of the claimants is that on 29.10.2020 at about 10.30 a.m, the deceased Naina gounder was riding his two wheeler along with his wife Alamelu at Salem to Tharamangalam main road near Alagusamuthiram, the offending vehicle which was a TATA Ace was driven in a rash and negligent manner and it hit the two wheeler on the rear side. As a result of which, both the rider and pillion rider were thrown out of the vehicle and sustained grievous injuries. Both of them died on their way to the hospital. It is under these circumstances, the claim petition came to be filed before the Tribunal seeking for compensation.

3. The Tribunal on considering the facts and circumstances of the case and on appreciation of 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.

4. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.6,45,000/- under various heads as follows :-



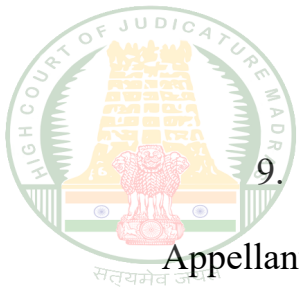
<i>Sl.No.</i>	<i>Compensation awarded under the head</i>	<i>Amount (in Rs.)</i>
1.	Loss of Income	Rs.5,60,000/-
2.	Loss of Love and affection	Rs. 60,000/-
3.	Funeral expenses	Rs. 25,000/-
	Total	Rs.6,45,000/-

5. The above compensation was directed to be paid with interest at the rate of 7.5% per annum. Aggrieved by the same, the claimants have filed this Appeal seeking for enhancement of compensation.

6. Heard Mr.R.Navaneetha Krishnan, learned counsel for the appellant/claimant and Mr.S.Srinivasan, learned counsel for the 2nd respondent.

7. This Court carefully considered the submissions made on either side and the materials available on record.

8. This Court also carefully went through the award passed by the Tribunal.



9. The main ground that was urged by the learned counsel for the Appellants is that the accident is of the year 2020 whereas, the Tribunal had only fixed the notional monthly income at Rs.10,000/-, which is on the lower side. The learned counsel further submitted that the Tribunal awarded only a sum of Rs.60,000/- under the head of loss of love and affection whereas the claimants are entitled for a sum of Rs.1,20,000/- under the said head.

10. In the considered view of this Court, the deceased was aged about 68 years at the time of the accident and all the three claimants were married daughters, who were not actually dependents on the income of their father. Since the Tribunal thought it fit to fix the compensation under the head of loss of income by fixing the notional income at Rs.10,000/-, this Court is not inclined to interfere with the same.

11. Insofar as the compensation fixed under the head of loss of love and affection, each claimant is entitled for a sum of Rs.44,000/- and hence, this Court is inclined to fix the compensation under the said head as follows :-

Loss of love and affection = Rs. 44000 x 3 = Rs.1,32,000/-



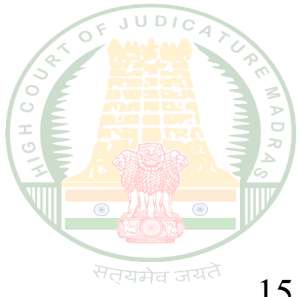
12. The compensation fixed under the other heads are just and reasonable and it does not require the interference of this Court.

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13 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	Rs.5,60,000/-	Rs.5,60,000/-
2.	Loss of Love and affection	Rs. 60,000/-	Rs.1,32,000/-
3.	Funeral expenses	Rs. 25,000/-	Rs. 25,000/-
	Rounded off	Rs.6,45,000/-	Rs.7,17,000/-

14. The compensation awarded by the Tribunal at Rs.6,45,000/- is enhanced to Rs.7,17,000/-. The 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 of Rs.72,000/- 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.



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15. In the result, the Civil Miscellaneous Appeal is partly allowed in the above terms. No costs.

08-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RKA

To

The Motor Accident Claims Tribunal, Special District Judge, Salem.



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CMA No. 2076 of 2



N.ANAND VENKATESH J.

RKA

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