



C.M.A.No.2287 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2026

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

C.M.A.No.2287 of 2023

Kasthuri

... Appellant

Vs.

1. I.Abey

2. United India Insurance Company Ltd.,
Motor Third Party Hub, Silingi Building,
4th Floor, 134, Greaves Road,
Chennai – 600 006.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the compensation in judgment and decree dated 06.06.2022 made in MCOP No.3689 of 2017 on the file of the Motor Accidents Claims Tribunal, V Small Causes Court, Chennai.

For Appellant : Mr.R.Nalliyappan

For Respondents : Mr.J.Michael Visuvasam for R2

JUDGMENT

This civil miscellaneous appeal has been filed challenging the award passed by the learned V Judge, V Small Causes Court, Motor



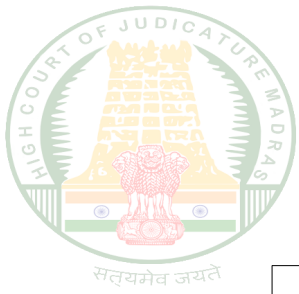
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Accidents Claims Tribunal, Chennai, in MCOP No.3689 of 2017 dated 06.06.2022, wherein the claimant is seeking enhancement of compensation.

2. The claimant is the mother of the deceased, Rajkumar. The case of the claimant is that on 13.06.2017, the deceased was travelling as a pillion rider on a two wheeler on the GST road and at about 16.15 hours, opposite to the Alandur M.H. point, the offending vehicle, which was a van driven in a rash and negligent manner, dashed against the deceased's two wheeler. As a result, the deceased was thrown off the vehicle, sustained grievous injuries and succumbed to injuries. Consequently, a First Information Report came to be registered in Crime No.253 of 2017 against the driver of the offending vehicle. 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 only due to the rash and negligent driving on the part of the driver of the offending vehicle.

4. Having rendered the above finding, the Tribunal proceeded to fix the total compensation at Rs.19,41,400/- under various heads as follows:



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S.No.	Heads	Compensation awarded by the Tribunal (in Rs.)
1.	Loss of Dependency	18,56,400
2.	Loss of Estate	15,000
3.	Funeral expenses	15,000
4.	Loss of Love and Affection	50,000
5.	Transportation Expenses	5,000
Total		19,41,400

The above 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 claimant has filed the present appeal seeking enhancement of compensation.

5. Heard Mr.R.Nalliyappan, learned counsel for the appellant/claimant and Mr.J.Michael Visuvasam, learned counsel for the second respondent/Insurance Company.

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



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7. The bone of contention raised is regarding the notional monthly income fixed by the Tribunal while determining compensation under the head 'Loss of Dependency'. The Tribunal fixed the notional monthly income of the deceased at Rs.13,000/-.

8. The case of the claimant is that the deceased was working as a Kitchen Master and earning Rs.20,000/- per month. However, there is no proof of income and therefore, considering that the accident had taken place in the year 2017, this Court is inclined to fix the notional monthly income of the deceased at Rs.16,000/-.

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

Monthly Income	:	Rs. 16,000/-
Add:40% future prospects	:	Rs. 6,400/-

		Rs. 22,400/-
Less: Personal expenses (1/2)	:	Rs. 11,200/-

		Rs. 11,200/-
		x 12

Annual income	:	Rs. 1,34,400/-
Multiplier	:	x 17

Loss of Dependency	:	Rs.22,84,800/-



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10. The Tribunal has fixed a sum of Rs.50,000/- under the head 'Loss of Love and Affection' and the same is reduced to a sum of Rs.40,000/-.

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

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

<i>S.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	18,56,400	22,84,800
2.	Loss of Estate	15,000	15,000
3.	Funeral expenses	15,000	15,000
4.	Loss of Love and Affection	50,000	40,000
5.	Transportation Expenses	5,000	5,000
Total		19,41,400	23,59,800

13. The compensation awarded by the Tribunal at Rs.19,41,400/- is enhanced to Rs.23,59,800/-. The second respondent/Insurance Company is directed to deposit the enhanced compensation, less the amount already

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deposited, together with interest at 7.5% p.a. from the date of claim petition

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14. In the result, this Civil Miscellaneous Appeal is partly allowed. No costs. 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 the compensation amount to the claimant.

28.07.2026

Neutral Citation: Yes/No
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To

1. The V Judge,
V Small Causes Court,
Motor Accidents Claims Tribunal,
Chennai.
2. The Section Officer,
VR Section,
High Court of Madras.

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N. ANAND VENKATESH, J.

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