



C.M.A.No.1793 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2026

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

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1. P.Vellaiyammal
2. C.Chitra (Minor)
3. C.Selvi (Minor)
4. C.Manikandan (Minor)

(Minors rep. by maternal grandmother and
next friend, 1st appellant)

... Appellants

Vs.

1. T.Gnanadhas
2. IFFCO Tokio General Insurance Co. Ltd.,
Iffco Bhavan, 4th floor,
No.128, Habibullah Road, T.Nagar,
Chennai – 600 017.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the compensation awarded in the judgment and decree dated 21.12.2023 made in MCOP No.5350 of 2019 on the file of the Motor Accidents Claims Tribunal, Court of Small Causes, Chennai.

For Appellants : Mr.Amar D Pandiya
for M.S.Elangovan Law Associates

For Respondents : *Ex parte* (R1)
Mr.B.Sivakollapan (R2)



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JUDGMENT

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This civil miscellaneous appeal has been filed by the appellants/claimants challenging the award passed by the learned Chief Judge, Court of Small Causes, Motor Accidents Claims Tribunal, Chennai. in MCOP No. 5350 of 2019 dated 21.12.2023 wherein the claimants are seeking enhancement of compensation fixed by the Tribunal.

2. The first appellant is the mother of the deceased, Palaniyammal and appellants 2 to 4 are the children of the deceased. The case of the claimants is that on 12.08.2019, the deceased was travelling as a pillion rider on a two wheeler on Manapparai to Kovilpatti road and at about 20.00 hours, the offending vehicle, which was a tipper lorry belonging to the first respondent, was driven in a rash and negligent manner and rammed into the two wheeler from behind. As a result, the deceased fell down, the lorry ran over her and she died on the spot. Consequently, a First Information Report came to be registered against the driver of the offending vehicle in Crime No.271 of 2019. 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

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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.26,21,200/- under various heads as follows:

<i>Sl.No.</i>	<i>Heads</i>	<i>Compensation awarded by the Tribunal (in Rs.)</i>
1.	Loss of Dependency	24,19,200
2.	Loss of Consortium	1,60,000
3.	Loss of Estate	15,000
4.	Funeral expenses	15,000
5.	Transportation expenses	10,000
6.	Damages to personal belongings	1,000
Total		26,20,200

The total compensation amount was rounded off to Rs.26,21,000/- and the compensation was directed to be paid by the second respondent/Insurance Company together with interest at the rate of 7.5% per annum. Aggrieved by the same, the present appeal has been filed by the appellants/claimant seeking enhancement of compensation.

5. Heard Mr.Amar D Pandiya, learned counsel for the appellants/claimants and Mr.B.Sivakollapan, learned counsel for the second respondent/Insurance Company.



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

7. The bone of contention is with regard to the notional monthly income of the deceased that was fixed by the Tribunal. In the case in hand, the accident had taken place in the year 2019 and the Tribunal fixed the notional monthly income of the deceased at Rs.12,000/-, which is on the lower side. This Court is inclined to fix the notional monthly income of the deceased at Rs.17,500/-.

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

Monthly Income	:	Rs. 17,500/-
Add:40% future prospects	:	Rs. 7,000/-

		Rs. 24,500/-
Less: Personal expenses (1/4)	:	Rs. 6,125/-

		Rs. 18,375/-
		x 12

Annual income	:	Rs. 2,20,500/-
Multiplier	:	x 16

Loss of Dependency	:	Rs.35,28,000/-



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9. Insofar as the compensation fixed by the Tribunal under the other heads is concerned, this Court finds that the same is just and fair and does not require any interference.

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

<i>Sl.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	24,19,200	35,28,000
2.	Loss of Consortium	1,60,000	1,60,000
3.	Loss of Estate	15,000	15,000
4.	Funeral expenses	15,000	15,000
5.	Transportation expenses	10,000	10,000
6.	Damages to personal belongings	1,000	1,000
Total		26,20,200	37,29,000

11. The compensation awarded by the Tribunal at Rs.26,21,000/- is enhanced to Rs.37,29,000/-. The second 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



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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 is concerned, the appellants/claimants will not be entitled for interest for the period of delay of 287 days as was ordered by this Court in C.M.P.No.20192 of 2025 in C.M.A.Sr.No.126339 of 2025 dated 08.06.2026. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellants.

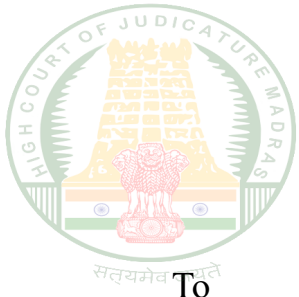
12. From and out of the amount deposited, the three minor children/appellants 2 to 4 are entitled to a sum of Rs.11,00,000/- each along with accrued interest and the first appellant, mother of the deceased, is entitled to the balance amount along with accrued interest. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

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

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Neutral Citation: Yes/No
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To
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1. The Chief Judge,
Court of Small Causes,
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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