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CMA.No.466 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-07-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Miscellaneous Appeal No.466 of 2023

1. S.Muthulakshmi
W/o. Senapathy,
Mullai Nagar, Muthur Road,
Kangayam.
2. S.Bhoopathi
S/o. Senapathy,
Mullai Nagar, Muthur Road,
Kangayam.
3. S.Sugapriya
D/o. Senapathy,
Mullai Nagar, Muthur Road,
Kangayam.

...Appellants

Vs

1. K.Karuppusamy
S/o. Kulandaisamy,
No.6/184, Moradakambai,
Thuneri, Ooty, Nilagiris District.
2. United India Insurance Company Ltd.,
JBM Building, Ramchand Square,
Kothagiri, Nilagiris District.

...Respondents



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APPEAL under Section 173 of the Motor Vehicles Act, 1988
against the judgment and decree dated 12.1.2022 made in MCOP.
No.14 of 2017 on the file of Motor Accident Claims Tribunal (III
Additional District & Sessions Court), Tiruppur at Dharapuram

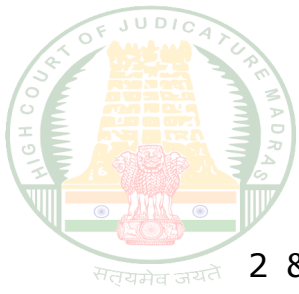
For Appellants:	Mr.D.Raghum
For Respondents:	Mr.C.Paranthaman for R2 R1 was set ex parte before the Tribunal below

JUDGMENT

This appeal has been filed by the appellants - claimants against the award dated 12.1.2022 made in MCOP.No.14 of 2017 on the file of the Motor Accidents Claims Tribunal (III Additional District and Sessions Court), Tiruppur at Dharapuram (for short, the Tribunal below) wherein they are seeking for enhancement of compensation.

2. Heard the learned counsel for the appellants - claimants and the learned counsel appearing for the second respondent - Insurance Company.

3. The first appellant - first claimant is the wife and appellants



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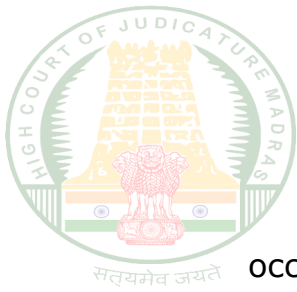
2 & 3 – claimants 2 and 3 are the children of one Mr.Senapathy (since deceased).

4. The case of the appellants is as follows:

(i) On 12.7.2016, the said Mr.Senapathy was riding a two wheeler at Karur Main Road and at about 11.30 AM, when he was waiting in a signal, the offending vehicle, which was a lorry, was driven in a rash and negligent manner and had dashed against the two wheeler, as a result of which, the said Mr.Senapathy was thrown away from the vehicle, had sustained fatal injuries and had succumbed to the injuries even on the same day.

(ii) A first information report came to be filed against the driver of the lorry in Crime No.336 of 2016 on the file of Kangeyam Police Station. The first respondent was the owner of the lorry and the second respondent is its insurer. It was under those circumstances, the claim petition came to be filed before the Tribunal below.

(iii) 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



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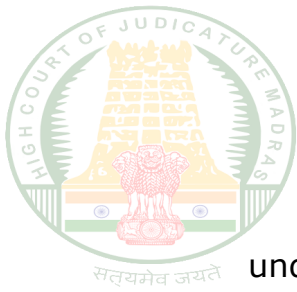
occurred only due to the rash and negligent driving on the part of the driver of the lorry.

(iv) Having rendered the above finding, the Tribunal below fixed the total compensation amount of Rs.10,46,200/- in the following manner :

<i>S.No.</i>	<i>Head</i>	<i>Amount</i>
1	<i>Loss of dependency</i> <i>(Rs.6,600/- X 12 X 11)</i>	<i>Rs. 8,71,200/-</i>
2	<i>Loss of estate</i>	<i>Rs. 30,000/-</i>
3	<i>Consortium to the petitioners</i>	<i>Rs. 1,20,000/-</i>
4	<i>Transport expenses</i>	<i>Rs. 10,000/-</i>
5	<i>Funeral expenses</i>	<i>Rs. 15,000/-</i>
	<i>Total</i>	<i>Rs. 10,46,200/-</i>

(v) 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 the date of deposit. Aggrieved by that, the appellants – claimants have filed the above appeal seeking for enhancement of compensation.

5. The main ground that was urged by the learned counsel for the appellants – claimants is that the accident occurred in the year 2016 and that the Tribunal below, while fixing the compensation



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under the head 'loss of dependency' fixed the notional monthly income at Rs.9,000/-, which is on the lower side.

6. 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.

7. In the considered view of this Court, the deceased was aged about 52 years at the time of accident and he left behind his wife and two children. Considering the fact that the accident had taken place in 2016, this Court is inclined to fix the notional monthly income at Rs.13,000/-. Accordingly, the compensation under the head 'loss of dependency' is calculated as follows:

"Rs.13,000/- X 2/3 = Rs.8,666.6/-;
Rounded off to Rs.8,667/-
Rs.8,667/- + Rs.867/- (towards 10% future prospects) =
Rs.9,534/-;
Rs.9,534/- x 12 x 11 = Rs.12,58,488/-."

8. In so far as the compensation fixed under the other traditional heads is concerned, the same is found to be fair and just.



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9. In the light of the above discussions, the civil miscellaneous appeal is partly allowed and the award dated 12.1.2022 made in MCOP.No.14 of 2017 on the file of the Tribunal below is modified as follows:

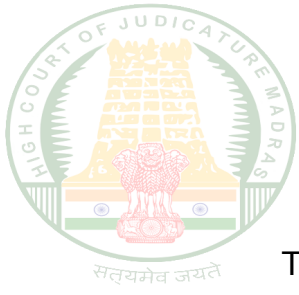
<i>S.No.</i>	<i>Head</i>	<i>Amount awarded by the Tribunal below</i>	<i>Amount awarded in this appeal</i>
1	<i>Loss of dependency (Rs.6,600/- X 12 X 11)</i>	<i>Rs. 8,71,200/-</i>	<i>Rs.12,58,488/-</i>
2	<i>Loss of estate</i>	<i>Rs. 30,000/-</i>	<i>Rs. 30,000/-</i>
3	<i>Consortium to the petitioners</i>	<i>Rs. 1,20,000/-</i>	<i>Rs. 1,20,000/-</i>
4	<i>Transport expenses</i>	<i>Rs. 10,000/-</i>	<i>Rs. 10,000/-</i>
5	<i>Funeral expenses</i>	<i>Rs. 15,000/-</i>	<i>Rs. 15,000/-</i>
	<i>Total</i>	<i>Rs. 10,46,200/-</i>	<i>Rs.14,33,488/-</i>

The second respondent - Insurance Company is directed to deposit the enhanced compensation amount as awarded in this judgment along with interest at the rate of 7.5% per annum from the date of claim petition till the date of deposit, within a period of six weeks from the date of receipt of a copy of this judgment. In so far as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellants – claimants. No costs.

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To
1.The Motor Accidents Claims Tribunal
(III Additional District and Sessions Court),

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Tiruppur at Dharapuram.

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2.United India Insurance Company Ltd.,
JBM Building, Ramchand Square,
Kothagiri, Nilagiris District.

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N.ANAND VENKATESH,J

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