



C.M.A.No.2823 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.2823 of 2023**

1. Sathya
2. Minor D.Dhaya  
(Represented by NF/G Mother Sathya) ... Appellants

Vs.

1. A.M.Ruhaila
2. The Oriental Insurance Company Ltd.,  
15, Divya Towers, Fort Main Road,  
Shevapet, Salem. ... 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 01.08.2023, passed in MCOP No.435 of 2022, on the file of the MCOP Tribunal (Special District Judge), Salem.

For Appellants : Mr.M.Fazil Perarivalan  
for Mr.M.Mohamed Riyaz

For Respondents : *Ex parte* (R1)  
Mr.N.Sampath for R2



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## **JUDGMENT**

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This civil miscellaneous appeal has been filed challenging the award passed by the learned Special District Judge, MCOP Tribunal, Salem, in MCOP No.435 of 2022 dated 01.08.2023, wherein the claimants are seeking enhancement of compensation.

2. The first claimant is the wife and the second claimant is the minor child of the deceased, Dharamaraj. The case of the claimants is that on 06.02.2022, at about 09.15 p.m., when the deceased was riding his two wheeler on the Chennai-Salem main road near the Mettupatti Toll Plaza, the offending vehicle, which was a lorry driven in a rash and negligent manner, dashed on the deceased's two wheeler. As a result, the deceased was thrown off the vehicle, sustained fatal injuries and succumbed to injuries. Consequently, a First Information Report came to be registered in Crime No.63 of 2022 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.



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4. The Tribunal, having rendered the above finding, proceeded to fix the total compensation at Rs.15,45,000/- under various heads as follows:

| <i>S.No.</i> | <i>Heads</i>               | <i>Compensation awarded by the Tribunal (in Rs.)</i> |
|--------------|----------------------------|------------------------------------------------------|
| 1.           | Loss of Income             | 14,40,000                                            |
| 2.           | Loss of Love and Affection | 40,000                                               |
| 3.           | Loss of Consortium         | 40,000                                               |
| 4.           | Funeral expenses           | 25,000                                               |
| Total        |                            | 15,45,000                                            |

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 claimants have filed the present appeal seeking enhancement of compensation.

5. Heard Mr.M.Fazil Perarivalan, learned counsel for the appellants/claimants and Mr.N.Sampath, 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.



7. The bone of contention raised is with regard to the notional monthly income fixed by the Tribunal while determining compensation under the head 'Loss of Income'.

8. The accident took place in the year 2022 and the deceased has left behind his wife and a minor child. The notional monthly income of the deceased fixed by the Tribunal is Rs.12,000/- inclusive of future prospects, which is clearly on the lower side. Hence, this Court is inclined to fix the notional monthly income of the deceased at Rs.20,000/- and future prospects at the rate of 40% must be added to the notional monthly income.

9. Accordingly, the compensation under the head 'Loss of Income' is calculated as follows:

|                               |   |                |
|-------------------------------|---|----------------|
| Monthly Income                | : | Rs. 20,000/-   |
| Add:40% future prospects      | : | Rs. 8,000/-    |
|                               |   | -----          |
|                               |   | Rs. 28,000/-   |
| Less: Personal expenses (1/3) | : | Rs. 9,333/-    |
|                               |   | -----          |
|                               |   | Rs. 18,667/-   |
|                               |   | x 12           |
|                               |   | -----          |
| Annual income                 | : | Rs. 2,24,004/- |
| Multiplier                    | : | x 15           |
|                               |   | -----          |
| Loss of Income                | : | Rs.33,60,060/- |
|                               |   | -----          |



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10. The Tribunal has granted a sum of Rs.25,000/- under the head 'Funeral Expenses' and the same is reduced to a sum of Rs.15,000/-. This Court is inclined to grant a sum of Rs.15,000/- under the head 'Loss of Estate' and a sum of Rs.10,000/- under the head 'Transportation Charges'.

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<br/>by the Tribunal<br/>(in Rs.)</i> | <i>Modified<br/>by this Court<br/>(in Rs.)</i> |
|--------------|----------------------------|-------------------------------------------------|------------------------------------------------|
| 1.           | Loss of Income             | 14,40,000                                       | 33,60,060                                      |
| 2.           | Loss of Love and Affection | 40,000                                          | 40,000                                         |
| 3.           | Loss of Consortium         | 40,000                                          | 40,000                                         |
| 4.           | Funeral Expenses           | 25,000                                          | <b>15,000</b>                                  |
| 5.           | Loss of Estate             | -                                               | 15,000                                         |
| 6.           | Transportation Charges     | -                                               | 10,000                                         |
| Total        |                            | 15,45,000                                       | <b>34,80,060</b>                               |



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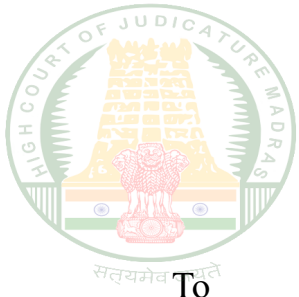
13. The compensation awarded by the Tribunal at Rs.15,45,000/-

is enhanced to Rs.34,80,060/-. 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 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 deficit court fee, if not paid, shall be paid by the appellant. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

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  
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1. The Special District Judge,  
MCOP Tribunal,  
Salem.
2. The Section Officer,  
VR Section,  
High Court of Madras.



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**N. ANAND VENKATESH, J.**

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***28.07.2026***