



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2026

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CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CMA No. 44 of 2024

1. S.Sinduja
2. S.Sivaranjani
3. S.Ajith

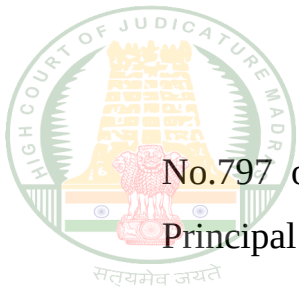
..Appellant(s)

Vs

1. P.Subramanian
S/o. Ponnusamy, Lalgudi Taluk, Trichy.
2. The United Insurance Company Limited
Divisional Office, Bharathidasan Salai,
Cantonment, Trichy-1
3. L.Sarasu
Lalgudi Taluk, Trichirappalli
4. HDFC ERGO General Insurance Company Ltd
Teyampet, Chennai

..Respondent(s)

Civil Miscellaneous Appeal filed under Section 173(1) of the Motor Vehicles Act to enhance the compensation amount fix the entire liability on the 4th respondent made in judgment and decree dated 25.04.2023 made in MCOP



No.797 of 2016 on the file of The Motor Accidents Claims Tribunal, The Principal District Judge, Perambalur.

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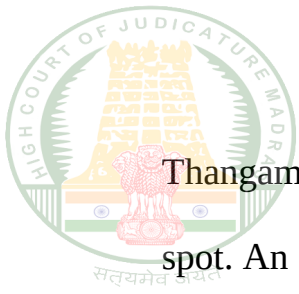
For Appellant(s): Mr.S.P.Yuaraj
K.Premnath
S.Ramprabu

For Respondent(s): M/s. C.Paranthaman
Rekha Roshini.G
For R 2
M/s.M.B.Gopalan Associates
M.B.Raghavan
For R 4

Judgment

This Civil Miscellaneous Appeal has been filed against the award passed by the Motor Accident Claims Tribunal in MCOP No.797 of 2016 dated 25.04.2023 wherein the Claimants are seeking for enhancement of compensation.

2. The Claimants are the children of the deceased S.Thangam. The case of the claimants is that on 24.04.2015, the deceased Thangam was travelling as a pillion rider in a two wheeler driven by her son Ajith on the Koppali to Kattur Road and at about 2.30 pm, when the vehicle was going near indra nagar, the offending vehicle belonging to the 1st respondent, which was a tractor attached with two trailers, was driven in a rash and negligent manner and as a result of which, it dashed against the vehicle and the deceased



Thangam fell down and one of the trailer ran over her head. She died on the spot. An FIR came to be registered in Crime No.181 of 2015 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 rider of the two wheeler, who attempted to over take the tractor without realising that there were two trailers attached to the tractor and therefore, the Tribunal attributed some amount of contributory negligence against the rider of the two wheeler. The Tribunal also took into consideration the fact that the rider of the two wheeler did not possess a valid driving license and that the two wheeler was not covered by an insurance policy. Hence, the Tribunal fixed 30% contributory negligence on the part of the rider of the two-wheeler.

4. Having rendered such a finding, the Tribunal proceeded to fix the total compensation at Rs.23,00,040/- under the following heads :-

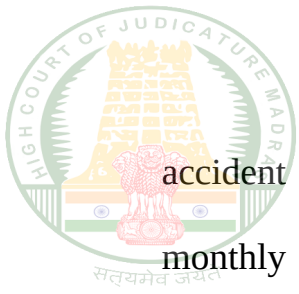


Sl.No.	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of dependency	Rs.21,50,040/-
2.	Parental Consortium	Rs.1,20,000/-
3.	Loss of Estate	Rs.15,000/-
4.	Funeral expenses	Rs.15,000/-
	Total	Rs.23,00,040/-
	(-) 30% contributory negligence against the two wheeler rider	Rs.6,90,012/-
	Total	Rs16,10,028/-

From the total compensation, 30% was deducted towards contributory negligence and the balance of Rs.16,10,028/- was directed to be paid by the 4th respondent insurance company along with 7.5% interest p.a . Aggrieved by the same, the claimants have filed the present appeal seeking for enhancement of compensation.

5. Heard Mr.SP Yuaraj, learned counsel for the appellants and Ms.C.Harini, learned counsel for the 1st respondent and Dr.C.Paranthaman, learned counsel for 2nd respondent.

6. The main contention raised on the side of the Appellants is that the Tribunal ought not to have fixed 30% towards contributory negligence and the same requires the interference of this Court. The other ground raised is that the



accident is of the year 2015 and whereas, the Tribunal had fixed the Notional monthly income at Rs.12,798/- by following the Cost inflation index method, which requires reconsideration.

7. Insofar as the issue of contributory negligence is concerned, the Tribunal on considering the oral and documentary evidence came to the conclusion that the rider of the two wheeler did not properly appreciate the fact that the tractor was attached with two trailers and he proceeded to over took the vehicle and as a result of which, the Tractor hit the two wheeler and one of the Trailer ran over the head of the deceased. The Tribunal also took into consideration the fact that the rider of the two-wheeler did not possess the driving license and that the two-wheeler was not covered by any insurance policy. The Tribunal has fixed 30% as contributory negligence and the same is on the higher side and this Court is inclined to reduce the same to 10%. Insofar as the monthly income that was fixed by the Tribunal, the accident is of the year 2015, this Court is now inclined to fix the Notional monthly income at Rs.14,500/- per month. Therefore, the loss of dependency is calculated as follows :-

Monthly income = Rs.14,500/-

(+) 40% future prospects = Rs. 5,800/-

Rs. 20,300/-



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Less: Personal expenses (1/3)	Rs .6,770/-

	Rs. 13,530/-
	x 12

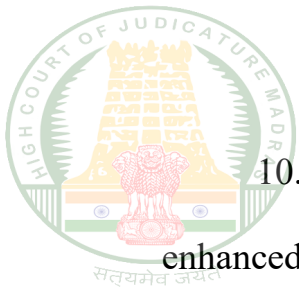
Annual income	Rs.1,62,360/-
Multiplier :	x 15

Loss of income :	Rs.24,35,400/-

8. The compensation fixed under the other head is just and reasonable and it does not require the interference of this Court.

9 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 dependency	Rs.21,50,040/-	Rs.24,35,400/-
2.	Parental Consortium	Rs.1,20,000/-	Rs.1,20,000/-
3.	Loss of Estate	Rs.15,000/-	Rs.15,000/-
4.	Funeral expenses	Rs.15,000/-	Rs.15,000/-
	Total	Rs.23,00,040/-	Rs.25,85,400/-
	(-) contributory negligence against the two wheeler rider	Rs.6,90,012/-	Rs.2,58,540/-
	Total	Rs16,10,028/-	Rs.23,26,860/-



10. The compensation awarded by the Tribunal at Rs.16,10,028/- is enhanced to Rs.23,26,860/-. 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.7,16,832/- 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 remain unaltered.

11. 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 Accidents Claims Tribunal, The Principal District Judge,
Perambalur.



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