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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2026

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.658 of 2024

1.Malarvizhi

2.Devadharshini-Minor

3.Akilan Perumal-Minor

4.Baluchamy

..Appellants

.vs.

1.M.S.Rani

2.The Oriental Company Limited,
No.115/216, Prakasam Salai,
Chennai – 104.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree in MCOP.No.6198 of 2015, dated 21.01.2019, on the file of the Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes, Chennai.

For Appellants : Mr.R.Navaneetha Krishnan

For Respondents : Mr.S.Senthil Kumar for R2



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JUDGMENT

This appeal has been filed challenging the Award passed by the MACT, Chief Judge, Court of Small Causes, Chennai in MCOP No.6198 of 2015, dated 21.01.2019, wherein, the claimants are seeking for enhancement of compensation.

2.The first claimant is the wife, the 2nd and the 3rd claimants are the minor children and the 4th claimant is the father of the deceased Pon Perumal.

3.The case of the claimants is that the deceased was riding his two wheeler on 19.05.2015 at Kandamannur–Theni Road and at about 18.15 hours, the offending vehicle which is a lorry was driven in a rash and negligent manner and it dashed on the two wheeler and as a result of which, the deceased was thrown out of the vehicle and he sustained fatal injuries and succumbed to the injuries. An FIR came to be registered against the driver of the offending vehicle in Crime No.298 of 2015. It is under these circumstances, the claim petition came to be filed before the Tribunal.



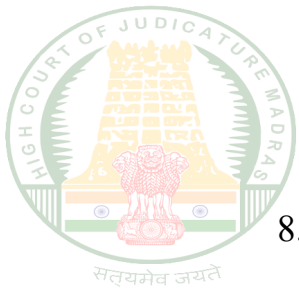
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4.The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the offending vehicle.

5.Having rendered the above finding, the Tribunal fixed the total compensation at Rs.60,00,000/- under various heads as follows:

Compensation awarded under the head	Amount (in Rs.)
Loss of future dependency Rs.40,000+30%x12x14x2/3	58,24,000
Loss of Estate	15,000
For Funeral Expenses	15,000
For Loss of Consortium	40,000
For Transportation	6,000
For Loss of Love and Affection	1,00,000
Total	60,00,000

7.The above compensation is liable to be paid along with interest at the rate of 7.5% per annum.



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8. Aggrieved by the same, the claimants have filed the present appeal seeking for enhancement of compensation.

9. Heard the learned counsel for the appellant and the learned counsel appearing on behalf of the respondents.

10. This Court has carefully considered the submissions made on either side and also the materials available on record and this Court also went through the Award passed by the Tribunal.

11. In the case in hand, the Tribunal has fixed the monthly income of the deceased at Rs.40,000/-. It is contended that EXs.P14 and P15 were marked which shows that the deceased was earning more than Rs.50,000/- per month and whereas, the Tribunal without assigning any reasons has fixed the monthly income at Rs.40,000/-. The further contention is that, there are totally four dependents and whereas, the Tribunal has only deducted 1/3rd instead of 1/4.

12. This Court carefully went through EXs.P14 and P15. It is clear from these documents that the deceased was consistently earning more than



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Rs.50,000/- per month. Hence, on an average, this Court can safely fixed monthly income at Rs.52,000/-. There are totally four dependents for the deceased and hence, 1/4 can be deducted, instead of 1/3, towards personal expenditure. Accordingly, the compensation under the head of loss of future dependency is calculated as follows:

$$\text{Rs.67,600 (Rs.52,000/- + 15,600[30\%])} \times 12 \times 14 \times 3/4 = \text{Rs.85,17,600/-}$$

13.The Tribunal has granted compensation of Rs.40,000/- under the head of loss of consortium and Rs.1,00,000/- under the head of loss of love and affection. Both these heads can be consolidated and a sum of Rs.1,60,000/- (Rs.40,000/- x 4) can be granted under the head of loss of consortium.

14.The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

15.In the light of the above discussion, the compensation fixed by the Tribunal is modified as follows:



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Compensation awarded under the head	Amount (in Rs.)
Loss of future dependency	85,17,600
Loss of Estate	15,000
For Funeral Expenses	15,000
For Loss of Consortium	1,60,000
For Transportation	6,000
Total	87,13,600

16.The compensation awarded by the tribunal at Rs.60,00,000/- is enhanced to Rs.87,13,600/-. The second respondent/insurance company is directed to deposit the enhanced compensation of Rs.87,13,600 /-, less the amount already deposited, together with interest at the rate of 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.27,13,600/- is concerned, the appellant/claimant will not be entitled for interest for the period of delay of 1555 days as was ordered by this Court in C.M.P.No.28815 of 2023, dated 21.02.2024. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.



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17. In the result, this Civil Miscellaneous Appeal is partly allowed of in the above terms. No Costs.

15.07.2026

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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N. ANAND VENKATESH., J

SSR

To

The Motor Accident Claims Tribunal, Chief Judge, Court of Small Causes,
Chennai.

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