



C.M.A.No.2123 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2026

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

C.M.A.No.2123 of 2026

1. Tamil Selvi
2. Thiyagarajan ... Appellants

Vs.

1. M.Alphones
2. Reliance General Insurance Company Ltd.,
Heavitree Unit No.1,
3rd Floor, No.23, Spur Tank Road,
Chetpet, Chennai – 600 031. ... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to enhance the award against the judgment and decree dated 12.02.2020 made in MACTOP No.2407 of 2011 on the file of the Motor Accidents Claims Tribunal, Chief Judge, Small Causes Court, Chennai.

For Appellants : Ms.N.Lavanya
for Ms.M.Malar

For Respondents : Mr.P.Suresh Srinivasan for R2

JUDGMENT

This civil miscellaneous appeal has been filed challenging the award passed by the learned Chief Judge, Small Causes Court, Motor



C.M.A.No.2123 of 2026

Accidents Claims Tribunal, Chennai, in MACTOP No. 2407 of 2011 dated

12.02.2020, wherein the claimants are seeking enhancement of compensation fixed by the Tribunal.

2. The first and second claimants are the parents and the third claimant is the brother of the deceased S.Kavitha. The case of the claimants is that on 18.04.2008, the deceased was travelling as a pillion rider on a two wheeler belonging to the 1st respondent on the Pichatur-Puttoor road and at about 08.00 a.m., due to the rash and negligent driving of the rider, the two wheeler met with an accident. As a result, the deceased sustained grievous injuries and succumbed to injuries on 28.04.2008. 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.

4. Having rendered the above finding, the Tribunal proceeded to fix the total compensation at Rs.7,64,000/- under various heads as follows:



C.M.A.No.2123 of 2026

<i>Sl.No.</i>	<i>Heads</i>	<i>Compensation awarded by the Tribunal (in Rs.)</i>
1.	Loss of Dependency	7,29,000
2.	Funeral expenses	15,000
3.	Loss of Love and Affection	20,000
Total		7,64,000

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 Ms.N.Lavanya, learned counsel for the appellants/claimants and Mr.P.Suresh Srinivasan, 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.



C.M.A.No.2123 of 2026

7. In the case in hand, the accident had taken place in the year

2008. While calculating the compensation under the head 'loss of dependency', the Tribunal proceeded to fix the notional monthly income of the deceased at Rs.4,500/- and also added 40% towards future prospects. In the considered view of this Court, the notional monthly income fixed by the Tribunal is on the lower side. Hence, this Court is inclined to fix the notional monthly income of the deceased at Rs.5,000/- and add 40% towards future prospects.

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

Monthly Income	:	Rs. 5,000/-
Add:40% future prospects	:	Rs. 2,000/-

		Rs. 7,000/-
Less: Personal expenses (1/2)	:	Rs. 3,500/-

		Rs. 3,500/-
		x 12

Annual income	:	Rs. 42,000/-
Multiplier	:	x 18

Loss of Dependency	:	Rs. 7,56,000/-



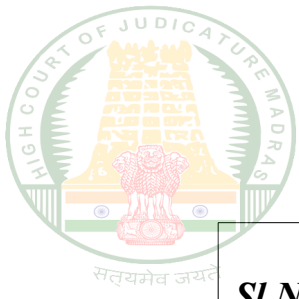
C.M.A.No.2123 of 2026

WEB COPY

9. The Tribunal has granted compensation under the head 'loss of love and affection' only to the first claimant, to the tune of Rs.20,000/-. In the case in hand, the father of the deceased was alive at the time of filing the claim petition but he died during the pendency of the case. Therefore, the Tribunal ought to have fixed the compensation under the head 'loss of consortium' for the father also. Similarly, the third claimant, who is the brother of the deceased, is also entitled to compensation under the head "loss of love and affection". In view of the same, this Court is inclined to fix the compensation under the head 'loss of consortium' at Rs.90,000/- (Rs.30,000 x 3).

10. The Tribunal has not fixed any compensation under the heads "loss of estate" and "transportation charges". Therefore, this Court is inclined to award compensation under the heads 'loss of estate' and 'transportation charges' at Rs.15,000/- and Rs.10,000/- respectively.

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



C.M.A.No.2123 of 2026

<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	7,29,000	7,56,000
2.	Funeral expenses	15,000	15,000
3.	Loss of Love and Affection	20,000	-
4.	Loss of Consortium	-	90,000
5.	Loss of Estate	-	15,000
6.	Transportation Charges	-	10,000
Total		7,64,000	8,86,000

12. The compensation awarded by the Tribunal at Rs.7,64,000/- is enhanced to Rs.8,86,000/-. 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 till the date of deposit within a period of four (4) 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 2212 days as was ordered by this Court in C.M.P.No.24013 of 2025 in C.M.A.Sr.No.151267 of 2025 dated 10.06.2026. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellants. The other directions



C.M.A.No.2123 of 2026

issued by the Tribunal with regard to the mode of payment of compensation

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

10.07.2026

Neutral Citation: Yes/No
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To

1. The Chief Judge,
Small Causes Court,
Motor Accidents Claims Tribunal,
Chennai.
2. The Section Officer,
VR Section,
High Court of Madras.



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C.M.A.No.2123 of 2026

N. ANAND VENKATESH, J.

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C.M.A.No.2123 of 2026

10.07.2026